

By Mr. HOWELL of New Jersey: Petition of the common council of Newark, against the amendment to the river and harbor bill closing drawbridges on the Passaic and Hackensack rivers—to the Committee on Rivers and Harbors.

By Mr. HUFF: Petition of Mount Chestnut Grange, for the Marshall bill relative to amendment of the free-alcohol bill—to the Committee on Ways and Means.

By Mr. HUGHES: Petition of citizens of West Virginia, for enlargement of the power of the Interstate Commerce Commission, for reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT: Resolution of the senate and house of representatives of the State of Missouri, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: Petition of citizens of North Platte, Nebr., against reduction of the compensation for carrying the mails by railways—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: Paper to accompany bill for relief of heirs of Peyton L. Thomas—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of the National Convention for the Extension of the Foreign Commerce of the United States, for dual tariff—to the Committee on Ways and Means.

By Mr. OLCOTT: Petition of the governor and legislature of Massachusetts, for a revision of the tariff—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of Typographical Union No. 14, of Harrisburg, Pa., for bill H. R. 19853 (the copyright bill)—to the Committee on Patents.

Also, petition of Samuel W. Lascomb Post, No. 351, Grand Army of the Republic, of Steelton, Pa., against change of pension agencies—to the Committee on Appropriations.

By Mr. RHINOCK: Paper to accompany bill for relief of James W. Mullins—to the Committee on Invalid Pensions.

By Mr. SCHNEEBEL: Petition of the Academy of Natural Sciences, against the abolition of the Bureau of Biology—to the Committee on Appropriations.

Also, petition of Old Hundred Lodge, No. 100, Brotherhood of Railway Trainmen, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lehigh Lodge, No. 251, Brotherhood of Locomotive Firemen, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mauch Chunk Division, No. 153, Order Railway Conductors, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Washington Camp, No. 429, of Freemansburg, Pa., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of F. K. Taylor Post, No. 182, Department of Pennsylvania, Grand Army of the Republic, of Bethlehem, Pa., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of the Grand Army Association of Philadelphia and Vicinity, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. SHACKLEFORD: Petitions of W. E. Morse Division, No. 611, Brotherhood of Locomotive Engineers; Gasconade Lodge, No. 690, Brotherhood of Railroad Trainmen; Osage Division, No. 438, Order of Railway Conductors, and Eldon Lodge, No. 641, Brotherhood of Locomotive Firemen and Engineers, all of Eldon, Mo., for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of John R. Allen—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of the State Business Men's Association of Connecticut, for a new classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the State Business Men's Association of Connecticut, for forest reserves—to the Committee on Agriculture.

Also, petition of Camp Henry W. Lawton, No. 11, Spanish War Veterans, of Derby, Conn., for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of the Connecticut State Association, United Brotherhood of Carpenters and Joiners of America, favoring classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of the governor and legislature of Massachusetts, for revision of the tariff—to the Committee on Ways and Means.

Also, petition of the National Board of Trade, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Japanese and Korean Exclusion League, for maintenance of the right of the United States to determine

for itself all questions of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Association of Master Plumbers of New York City, for bill S. 6923—to the Committee on Military Affairs.

By Mr. TIRRELL: Petition of William A. Perkins and other citizens of Massachusetts, for free-art legislation as per bill H. R. 15268—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of the Western Fruit Jobbers' Association, for enlargement of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of members of the Presbyterian Church of Petersburg, Monroe County, Mich., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. WOOD: Petition of Trenton (N. J.) Typographical Union, No. 71, for bills S. 6330 and H. R. 19853—to the Committee on Patents.

SENATE.

SATURDAY, February 16, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

INTERNATIONAL CONGRESS, ON HYGIENE AND DEMOGRAPHY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a letter from Charles Harrington, M. D., professor of hygiene of the Harvard Medical School and secretary of the State board of health of Massachusetts, relative to the enactment of legislation authorizing the President to extend an invitation to the forthcoming International Congress on Hygiene and Demography, which is to meet at Berlin in September next, to hold the following session of the Congress in Washington in the year 1909 or 1910; which, with the accompanying paper, was referred to the Committee on Foreign Relations, and ordered to be printed.

CHICKASAW INDIAN SCHOOLS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a memorial of the national legislature of the Chickasaw Nation relative to the manner of conducting the schools of that nation, and requesting the enactment of additional legislation that will either abolish the Chickasaw schools or restore them under the supervision of the tribal officers; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 7793. An act to fix the time of holding the circuit and district courts of the United States in and for the northern district of Iowa;

S. 7879. An act granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal.; and

S. 8283. An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 3356. An act to correct the military record of Timothy Lyons;

H. R. 11153. An act to correct the military record of Robert B. Tubbs; and

H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6364) to incorporate the National Child Labor Committee.

The message also returned to the Senate, in compliance with its request, the bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district.

The message further announced that the House had passed

the following bills; in which it requested the concurrence of the Senate:

H. R. 10095. An act making certain changes in the postal laws;

H. R. 24925. An act making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other purposes; and

H. R. 25046. An act to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLET, Mr. GARDNER of Michigan, and Mr. BURLESON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 529. An act granting an increase of pension to Francis L. Arnold;

H. R. 830. An act granting an increase of pension Hezekiah Dezar;

H. R. 1019. An act granting an increase of pension to Daniel B. Bayless;

H. R. 1233. An act granting an increase of pension to Lucretia Davis;

H. R. 1373. An act granting an increase of pension to Florence Bacon;

H. R. 2049. An act granting an increase of pension to Henry Arey;

H. R. 2246. An act granting an increase of pension to Henry Damm;

H. R. 2777. An act granting an increase of pension to Albert F. Durgin;

H. R. 2781. An act granting an increase of pension to Martin V. B. Wyman;

H. R. 2878. An act granting an increase of pension to John M. Cheevers;

H. R. 3204. An act granting an increase of pension to Charles H. Anthony;

H. R. 3352. An act granting an increase of pension to George R. Roraback;

H. R. 3720. An act granting an increase of pension to Joseph McNulty;

H. R. 3977. An act granting an increase of pension to John Vorous;

H. R. 5709. An act granting an increase of pension to Mary H. Patterson;

H. R. 5854. An act granting an increase of pension to Jonas Gurnee;

H. R. 5856. An act granting an increase of pension to Martin Ollinger;

H. R. 6161. An act granting an increase of pension to Horatio Ernest;

H. R. 6491. An act granting an increase of pension to Albert Riley;

H. R. 6575. An act granting an increase of pension to Rawleigh M. Monin;

H. R. 6589. An act granting an increase of pension to Manoh W. Dunkin;

H. R. 6880. An act granting an increase of pension to Marine D. Tackett;

H. R. 6887. An act granting an increase of pension to James E. Taylor;

H. R. 6943. An act granting an increase of pension to Linas Van Steenburg;

H. R. 7415. An act granting an increase of pension to George W. Brawner;

H. R. 7416. An act granting an increase of pension to Joseph R. Boger;

H. R. 7538. An act granting an increase of pension to Thompson H. Hudson;

H. R. 7918. An act granting an increase of pension to John M. Buxton;

H. R. 8164. An act granting an increase of pension to Jackson Mays;

H. R. 8586. An act granting an increase of pension to Milton J. Timmons;

H. R. 8673. An act granting an increase of pension to Marcena C. S. Gray;

H. R. 8718. An act granting an increase of pension to William T. Rowe;

H. R. 9073. An act granting an increase of pension to Melissa McCracken;

H. R. 9450. An act granting an increase of pension to Alexander Brown;

H. R. 9576. An act granting an increase of pension to Henry Wagner;

H. R. 9655. An act granting an increase of pension to William Crooks;

H. R. 10188. An act granting an increase of pension to James L. Conn;

H. R. 10598. An act granting an increase of pension to Robert W. Mills;

H. R. 10874. An act granting an increase of pension to Frederick Pfahl;

H. R. 11098. An act granting an increase of pension to Joseph A. Robinson;

H. R. 11523. An act granting an increase of pension to Robert L. Hamill;

H. R. 11693. An act granting an increase of pension to James H. Davison;

H. R. 11740. An act granting an increase of pension to Robert R. Dill;

H. R. 11754. An act granting an increase of pension to Charles W. Helvey;

H. R. 11980. An act granting an increase of pension to William H. Boulton;

H. R. 11994. An act granting an increase of pension to Martha W. Wright;

H. R. 12033. An act granting an increase of pension to George W. Irwin;

H. R. 12095. An act granting an increase of pension to Atticus Lewis;

H. R. 12154. An act granting an increase of pension to Henry E. Collins;

H. R. 12250. An act granting an increase of pension to Samuel Naus;

H. R. 12355. An act granting an increase of pension to Thomas B. Thompson;

H. R. 12458. An act granting an increase of pension to Thomas J. Saylor;

H. R. 12496. An act granting an increase of pension to Hurlbutt L. Farnsworth;

H. R. 13706. An act granting an increase of pension to Albert C. Roach;

H. R. 13769. An act granting an increase of pension to David Angel;

H. R. 13835. An act granting an increase of pension to William Crane;

H. R. 13920. An act granting an increase of pension to Oren D. Curtis;

H. R. 13960. An act granting an increase of pension to Thomas B. Manning;

H. R. 15012. An act granting an increase of pension to Oliver Curry; and

H. R. 15136. An act granting an increase of pension to George H. Justin.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Thomas P. Ivy, of Dunline, Conway Center, N. H., remonstrating against the enactment of any legislation providing for the loan of \$5,000,000 to the Forest Service for the construction of roads and trails in the Western Forest Reserve; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the Woman's Christian Temperance Unions of Bedford and Middlebury, in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from Utah; which were ordered to lie on the table.

He also presented a petition of the Harrison Realty Company, of Washington, D. C., praying for the adoption of an amendment to section 824 of the District Code providing that the word "owner" shall be inserted in lieu of the word "occupant;" which was referred to the Committee on the District of Columbia.

He also presented a petition of the Republican League of Clubs of the State of New York, praying for the appointment of a commission to investigate the general subject of immigration; which was ordered to lie on the table.

He also presented a petition of the Traders' League of Philadelphia, Pa., praying that an appropriation be made for the survey of a 35-foot channel of the Delaware River in the interests of the commerce of the country; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of the State

of Pennsylvania, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of the German-American Central Union of Wheeling, W. Va., remonstrating against the enactment of legislation to further restrict immigration; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Frewsburg, of the congregation of the Baptist Church of Frewsburg, in the State of New York, and of sundry citizens of Crystal Valley, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, Georgia, West Virginia, Pennsylvania, Kansas, Iowa, Illinois, Texas, Connecticut, Michigan, District of Columbia, Ohio, Delaware, Missouri, New York, Maryland, Indiana, New Jersey, Alabama, Massachusetts, Virginia, Kentucky, and Rhode Island, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT. I present resolutions adopted at a recent meeting of the general committee of the New York State League of Republican Clubs, which I ask may be read and lie on the table.

There being no objection, the resolutions were read, and ordered to lie on the table, as follows:

Resolved, That we hereby indorse the intelligent, courageous, and progressive administrations of President Roosevelt and Governor Hughes, and appeal to our representatives at Washington and Albany to give effect to the recommendations of the President and governor contained in their annual messages to the Congress and the State legislature.

Resolved, That we respectfully petition the Congress of the United States to enact into law the bill favorably reported by the House committee for the establishment of an efficient and satisfactory mail and transportation service between the United States and South America and the United States and the Orient.

Resolved, That we urge upon the House and Senate conferees on immigration an agreement that will insure the passage at this session of the Congress of a law creating a commission to investigate the general subject of immigration, and that we respectfully declare our disapproval of any so-called educational test, at the same time recording our hearty support to such measures as shall tend to the rigid exclusion at ports of embarkation of all emigrants found to be physically or morally unfit.

Mr. PLATT presented petitions of sundry citizens of New York City, N. Y., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of the New York Tract Society, of Rome, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of the congregation of the Immanuel Presbyterian Church, of Binghamton; of the congregation of the Methodist Episcopal Church of Frewsburg; of the Woman's Christian Temperance Unions of West New Brighton and Staten Island, and of sundry citizens of Smithboro, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. McCUMBER. I present, in the form of a telegram, resolutions of the legislature of the State of North Dakota, which I ask may be printed in the RECORD, and referred to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[Telegram.]

BISMARCK, N. DAK., February 15, 1907.

Hon. P. J. McCUMBER, Washington, D. C.:

Concurrent resolutions:

Whereas the honorable chairman of the Rivers and Harbors Committee of the House of Representatives is laboring under misapprehension or ill advice as to the volume of water therein, and the value of the upper Missouri and Yellowstone rivers for navigation purposes; and

Whereas the volume of traffic on both of the navigable streams north of the forty-sixth parallel will continue to increase with the now rapidly increasing immigration and the wonderful development of the country tributary to said rivers incident to the completion of the irrigation ditches along said rivers now under construction by the United States: Now, therefore, be it

Resolved by the house of representatives of the State of North Dakota (the senate concurring), That our Senators and Representatives are respectfully urged to secure proper recognition at the hands of Congress and to have proper surveys made and adequate appropriations provided for the immediate snagging of the upper Missouri and Yellowstone rivers, the dredging of shoal places, the removal of rocks from the channel, and the protection of the landing at the several important places, particularly at Rockhaven, Washburn, Mannhaven, Expansion, Bismarck, Williston, Buford, and Glendive.

Resolved, That a copy of these resolutions when passed be sent by the chief clerk of the house of representatives to Hon. T. E. BURTON, the chairman of the Rivers and Harbors Committee of the House of Representatives and to each of our Senators and Representatives of Congress.

TREADWELL TWITCHELL,
Speaker of the House.
P. D. NORTON,
Chief Clerk of the House.
R. S. LEWIS,
President of the Senate.
JAMES W. FOLEY,
Secretary of the Senate.

I, P. D. Norton, chief clerk of the house of representatives, do hereby certify that the foregoing concurrent resolution originated in and was adopted by the house of representatives of the tenth legislative assembly of the State of North Dakota on February 9, 1907, and was duly concurred in by the Senate on February 13, 1907.

P. D. NORTON, Chief Clerk of the House.

Mr. FLINT presented petitions of sundry citizens of Santa Ana, Hueneme, Los Angeles, and El Modena, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented a memorial of sundry citizens of Springs, S. Dak., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of the W. S. Thompson pharmacy of Washington, D. C., praying for the adoption of certain amendments to the present law to regulate the practice of pharmacy in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the United Master Butchers' Association of America of Troy, N. Y., praying for the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented the petition of C. D. Howard, of the United States, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. FRAZIER presented petitions of sundry citizens of Knox, Mount Eagle, Gallatin, Fayetteville, Trezevant, Selmer, Tullahoma, Daisy, and Howell, all in the State of Tennessee, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented the petition of James M. Armstrong, of Knoxville, Tenn., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of the delegates to the National Foreign Commerce Convention, praying for the enactment of legislation providing for the extension of the foreign commerce of the country; which was referred to the Committee on Commerce.

Mr. OVERMAN presented a petition of sundry citizens of High Point, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of North Carolina, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the North Carolina Conference of the Methodist Episcopal Church South, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LONG presented a memorial of sundry citizens of Hill City, Kans., remonstrating against any reduction in the appropriations for the transportation of United States mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Topeka, Kans., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Galva, Ottawa, and Valley Falls, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FULTON presented a petition of sundry citizens of

Grants Pass, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BURKETT presented the memorial of John Bratt and W. W. Birge, of North Platte, Nebr., remonstrating against any reduction being made in the appropriation for railway mail contracts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry affidavits to accompany the bill (S. 870) granting an increase of pension to Alfred Opelt; which were referred to the Committee on Pensions.

Mr. HEMENWAY presented a petition of sundry citizens of Madison, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of the Indiana Manufacturing Company, the Indiana Mirror Manufacturing Company, and the Evansville Mirror and Beveling Company, of Evansville, all in the State of Indiana, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. CURTIS presented a petition of sundry citizens of Washington, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Kansas State board of agriculture, praying for the ratification of reciprocal treaties with foreign countries; which was referred to the Committee on Foreign Relations.

Mr. BULKELEY presented a petition of the Methodist Ministers' Association of the State of Connecticut, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Local Union No. 97, Brotherhood of Carpenters and Joiners of America, of New Britain, Conn., and a petition of the State Business Men's Association, of Derby, Conn., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 41 citizens of Bridgeport, Conn., and a petition of the congregation of the South Congregational Church, of Bridgeport, Conn., praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

He also presented a petition of the New Haven District Methodist Ministers' Association of Connecticut, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry business firms of Bethel, Guilford, Meriden, Bridgeport, and Middletown, all in the State of Connecticut, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. TALIAFERRO, from the Committee on Finance, to whom was referred the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 8299) to confer certain civic rights on the Metlakatla Indians, of Alaska, reported it with amendments, and submitted a report thereon.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

Mr. WHYTE. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 8486) to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896, to report it favorably without amendment, and to ask for its immediate consideration. I submit a report upon the bill, and if I can get unanimous consent for its consideration, I should like to have it put on its passage.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF NEW HAMPSHIRE AVENUE.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 23576) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes, to report it favorably with an amendment, and I submit a report thereon. As the bill will probably have to go to conference, I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in section 1, page 1, line 11, to strike out the words "in accordance with the highway extension plans" and insert "on a straight extension of the lines thereof as now established in the city of Washington;" so as to make the section read:

That within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the extension of New Hampshire avenue on a straight extension of the lines thereof as now established in the city of Washington, from its present terminus north of Buchanan street to the District line, with a uniform width of 120 feet.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 7811) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

J. W. BAUER AND OTHERS.

Mr. MONEY. I report back from the Committee on Finance, without amendment, the bill (H. R. 2326) for the relief of J. W. Bauer and others.

The purpose of the bill is to relieve certain persons who had small amounts assessed against them for failure to make return for special tax as retail dealers of oleomargarine, and to repay the money. I ask for the present consideration of the bill. They are small dealers in oleomargarine in the city of Louisville.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SCOTT. From what committee does the bill come?

The VICE-PRESIDENT. The Committee on Finance.

Mr. MONEY. If the Senator will allow me, the bill comes from the Committee on Finance. It is the unanimous report of a House act. There is no objection to it. It is approved by the Commissioner of Internal Revenue. It is to remit small amounts imposed as a penalty.

Mr. SCOTT. I know the Internal-Revenue Bureau is having a great deal of trouble—

Mr. MONEY. These small amounts were collected, and this is to repay the money. It amounts to only three or four hundred dollars.

Mr. SCOTT. The Internal-Revenue Bureau is having a great deal of trouble, and possibly these people were violating the law. I was not in the Chamber at the time or I would have objected to the consideration of the bill until I knew more about it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'KINNON, ALIAS JOHN MACK.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the message from the President of the United States, returning Senate bill 1160, entitled "An act to correct the military record of John McKinnon, alias John Mack," reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the Vice-President of the United States in signing the enrolled bill (S. 1160) to correct the military record of John McKinnon, alias John Mack, be rescinded, and that in the reenrollment of the bill the word "military" in line 5 of the bill be stricken out and the word "naval" substituted therefor; also amend the title so as to read: "An act to correct the naval record of John McKinnon, alias John Mack," so as to correctly state the service of the beneficiary, inaccurately stated in the bill.

UNION STATION, WASHINGTON, D. C.

Mr. HANSBROUGH. I am authorized by the Committee on the District of Columbia to report back favorably without amendment the bill (H. R. 9329) to amend an act approved February 28, 1903, entitled "An act to provide for a union station in the District of Columbia, and for other purposes," and I submit a report thereon. As this is a House bill, I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOTICES OF MEMORIAL ADDRESSES.

Mr. BURROWS. Mr. President, I give notice that one week from to-day, on Saturday, the 23d, if agreeable to the Senate, I will ask that the business of the Senate may be suspended that fitting tribute may be paid to the memory of my late colleague, Senator RUSSELL A. ALGER.

Mr. CULLOM. In accordance with an understanding I will ask that on the same day, immediately after the close of the ceremonies with reference to the late Senator ALGER, I shall submit resolutions commemorative of the life, character, and public services of the late Mr. HITT, a Member of the House from the State of Illinois.

Mr. LODGE. I desire to give notice that on Saturday the 23d, after the conclusion of the ceremonies in regard to the late Mr. HITT, I shall ask the Senate to take up resolutions commemorative of the late ROCKWOOD HOAR, formerly a Member of the House of Representatives from the State of Massachusetts.

Mr. BACON subsequently said: I should like to make an inquiry of the Senator from Massachusetts. I understood the Senator to give notice that on next Saturday he would call up resolutions relative to the death of the late Representative HOAR. I wish to ask the Senator what hour he indicated?

Mr. LODGE. I indicated no hour. The Senator from Michigan gave notice that he would on that day call up resolutions in regard to the late Senator ALGER, and the Senator from Illinois gave notice that he would follow those with resolutions relative to the late Mr. HITT. I shall follow those.

Mr. BACON. I did not know of the number of notices, but the session is growing so short and I find so very little margin for the selection of days, I give notice that on the same day I will ask the Senate to take up resolutions relative to the death of the late Representative LESTER, of my State. In view of the number of notices I shall endeavor to have the addresses not too numerous to be heard on that day. I suppose that subsequent to this time it is the intention of the Senator from Massachusetts to ask that some particular hour be fixed.

Mr. LODGE. No; it was thought best not to fix the hour to begin the eulogies, but to have them follow each other.

Mr. BACON. The hour then will be taken advantage of on that day and will be chosen with reference to the fact that there are a number of eulogies to be delivered.

Mr. CULLOM. The main portion of the day will be consumed by the eulogies.

HOUR OF MEETING ON MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday.

Mr. GALLINGER. At 12 o'clock?

Mr. HALE. At 12 o'clock. I do that for this reason: The Senate has agreed that on and after Monday it will meet at 11, but if several very important committees can have Monday or Tuesday and not be brought here so early they will mature their business. So I believe that we shall forward the general business more by meeting Monday at 12 o'clock and allow the committees to complete their work.

The VICE-PRESIDENT. The Senator from Maine moves that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday next.

The motion was agreed to.

JUDICIAL DISTRICTS OF OREGON.

Mr. KITTREDGE. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 275) to divide the State of Oregon into two judicial districts, to report it favorably with an amendment, and I submit a report thereon. I ask the attention of the senior Senator from Oregon [Mr. FULTON] to the report.

Mr. FULTON. I ask unanimous consent to the present consideration of the bill.

Mr. LODGE. I shall not object to the consideration of this bill, but as there is a unanimous-consent agreement to begin the consideration of the conference report on the immigration

bill at the close of the routine business I give notice that after this measure is disposed of I shall ask for the regular order.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The SECRETARY. The Committee on the Judiciary report to strike out all after the enacting clause and insert:

That there shall be, and hereby is, created an additional judicial district in the State of Oregon, said State being hereby divided into two judicial districts, which shall be known as the eastern and western judicial districts of the State of Oregon. The eastern district shall include the counties of Baker, Malheur, Harney, Grant, Union, Wallowa, Umatilla, Morrow, Sherman, Gilliam, Crook, Wheeler, and Lake, with the waters thereof. The western district shall include the residue of said State of Oregon, with the waters thereof.

SEC. 2. That the district judge and all officers who have been heretofore appointed for the district of Oregon as heretofore constituted and are in office at the time of the taking effect of this act shall continue in office as such judge and officers of the western district of Oregon until the expiration of their respective terms or until their successors are appointed and qualified, and the said judge shall have the same powers and jurisdiction, except territorial, and the said judge and all such officers shall perform the same duties and receive the same compensation as heretofore.

SEC. 3. That the President, by and with the advice and consent of the Senate, shall appoint for said eastern district of Oregon a district judge, a marshal, and a district attorney; and clerks for said circuit and district court and all other necessary officers shall be appointed in the same manner as is now provided by law in respect to such officers in the district of Oregon.

SEC. 4. That the courts and judges of said eastern district of Oregon shall within said district, respectively, possess the same jurisdiction and powers and perform the same duties as are now respectively possessed and performed by the circuit and district courts and judges of the United States of the district of Oregon.

SEC. 5. That the district judge of said eastern district of Oregon shall receive the same compensation as is by law provided for the district judge of the district of Oregon; and the marshal, district attorney, and clerks of the circuit and district courts and other officials shall severally possess the powers and perform the duties in said eastern district lawfully possessed and performed by the like officers in the said district of Oregon and shall be respectively entitled to like fees, compensation, and emoluments, and, until otherwise provided by law, the salaries herein provided for shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 6. That the regular terms of the circuit and district courts of the United States for the western district of Oregon shall be held at the city of Portland, beginning on the second Mondays of March and October in each year. That the regular terms of the circuit and district courts of the United States for the eastern district of Oregon shall be held at Baker City, beginning on the second Mondays of April and November in each year.

SEC. 7. That all civil causes and proceedings of every name and nature, including proceedings in bankruptcy, now pending in the courts of the district of Oregon as heretofore constituted, whereof the courts of the eastern district of Oregon, as hereby constituted, would have had jurisdiction if the said eastern district of Oregon and the courts thereof had been constituted when said causes or proceedings were instituted shall be, and are hereby, transferred to, and the same shall be proceeded with in, the eastern district of Oregon, and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and such records and proceedings when so certified and transferred shall thenceforth constitute a part of the record of said causes, respectively, in the court to which such transfer shall be made, and all such suits and proceedings so transferred shall be heard and disposed of at the term of said courts for the eastern district of Oregon to be held at Baker City as herein provided: *Provided*, That all motions and causes submitted and all causes and proceedings in law, equity, admiralty, or bankruptcy, pending at the time of the taking effect of this act in the district of Oregon as heretofore constituted, in which the evidence has been taken in whole or in part before the judge of said district of Oregon as heretofore constituted or taken in whole or in part and submitted to and passed upon by the said judge, shall be retained, proceeded with, and disposed of in said district of Oregon.

SEC. 8. That all crimes and offenses committed prior to and all prosecutions begun and pending at the taking effect of this act shall be proceeded with and finally determined as if this act had not been passed.

SEC. 9. That all crimes and offenses hereafter committed within either of said districts shall be prosecuted, tried, and determined within the district in which committed.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF HENRY WARE.

Mr. McENERY. I ask permission at this time to call up for consideration the bill (S. 1217) for the relief of the estate of Henry Ware, deceased.

The Secretary read the bill.

Mr. KEAN. Is there not an amendment to the bill?

The VICE-PRESIDENT. There is no amendment. Is there objection to its present consideration?

Mr. KEAN. I understood that the amount in the bill was reduced to something like \$20,000 instead of \$64,000. I do not see the Senator who has had it in charge present.

Mr. LODGE. I must ask for the regular order if the bill is to give rise to debate.

The VICE-PRESIDENT. The Senator from Massachusetts demands the regular order. The bill will retain its place on the Calendar without prejudice.

BILLS INTRODUCED.

Mr. LONG introduced a bill (S. 8498) to amend sections 16, 17, and 20 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 8499) for the relief of William Coker; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8500) for the relief of the Methodist Episcopal Church South, of Germantown, Tenn. (with an accompanying paper); and

A bill (S. 8501) for the relief of the First Presbyterian Church of Nashville, Tenn.

Mr. DUBOIS introduced a bill (S. 8502) granting a pension to Talcott M. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FULTON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8503) granting a pension to William Lind; and

A bill (S. 8504) granting an increase of pension to Clark Thompson.

Mr. CARMACK introduced a bill (S. 8505) for the relief of the legal representative of the estate of John T. Shumate; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8506) for the relief of the Missionary Baptist Church of Antioch, Davidson County, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 8507) to authorize the construction of a bridge across the Grand Calumet River, State of Illinois; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. DILLINGHAM introduced the following bills; which, with the accompanying papers, were referred to the Committee on Pensions:

A bill (S. 8508) granting an increase of pension to Miranda W. Howard; and

A bill (S. 8509) granting an increase of pension to Isaac H. Clark.

DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. CLARK of Montana submitted an amendment intended to be proposed by him to the bill (S. 7494) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes; which was ordered to lie on the table and be printed.

AMENDMENTS TO NAVAL APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate \$170,000 for the purchase of a water-supply system, \$61,200 to complete pattern shop for steam engineering, and \$10,000 for extension of track for 40-ton crane at navy-yard, Portsmouth, N. H., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CURTIS submitted an amendment providing that veterans of the civil war on the retired list, of the age of 62 years and over shall be considered of a permanent specific disability equivalent to incident of service within the meaning of the retirement laws, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

LEGAL REPRESENTATIVES OF JOSEPH WHITE, DECEASED.

Mr. FORAKER submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (H. R. 1571) for the relief of the legal representatives of Joseph White, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

REPRINT OF NORTHERN PACIFIC RAILROAD ACT.

Mr. BURKETT. I submit a concurrent resolution, and ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed, for the use of Senators and Representatives in Congress, 500 copies of the act of July 2, 1864, Thirty-eighth Congress, first session, volume 13, page 365, United States Statutes at Large.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. ALLISON. What is the act that is to be printed?

Mr. BURKETT. It is the act for the organization of the Northern Pacific Railroad. I will state that the reason why copies are requested is because there has been a resolution referred to the Committee on Pacific Railroads and we have had no copies of this act. Inasmuch as it has to be given some consideration, we want to have copies of it for our committee.

Mr. ALLISON. I call the attention of the Senator to the designation by date of the act in the resolution. It is possible that several acts may have been passed on that day.

The concurrent resolution was agreed to.

PEND D'OREILLE RIVER DAM, WASHINGTON.

Mr. ANKENY. I wish to call up the bill (H. R. 24760) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes.

Mr. KEAN. I have no objection to the bill, but I think the Senator from Massachusetts called for the regular order.

The VICE-PRESIDENT. If there is no objection, the bill will be read for the information of the Senate.

Mr. LODGE. I thought the regular order was asked for. Does the demand have to be renewed?

The VICE-PRESIDENT. The Chair feels bound to recognize a Senator who rises in his place at any time and asks unanimous consent. The Senator from Washington asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate, if there is no objection.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN TRIBAL FUNDS.

Mr. CLAPP. I move that the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. GALLINGER, Mr. WARREN, and Mr. TILMAN as the conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 10095) making certain changes in the postal laws was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 24925) making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 25046) to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo., was read twice by its title, and referred to the Committee on Commerce.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the operations of the Bureau of Animal Industry of the Department of Agriculture for the fiscal year

ending June 30, 1906, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.
THEODORE ROOSEVELT.

THE WHITE HOUSE, February 16, 1907.

JOHN W. McWILLIAMS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of the 15th instant, I return herewith Senate bill No. 5854, entitled "An act granting an increase of pension to John W. McWilliams."

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 16, 1907.

SARAH R. HARRINGTON.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the sum proposed insert thirty-five dollars.

P. J. McCUMBER,

N. B. SCOTT,

JAS. P. TALIAFERRO,

Conferees on the part of the Senate.

H. C. LOUDENSLAGER,

WM. H. DRAPER,

WILLIAM RICHARDSON,

Conferees on the part of the House.

The report was agreed to.

RESTRICTION OF IMMIGRATION.

Mr. HALE rose.

The VICE-PRESIDENT. The morning business is closed. The Senator from Maine.

Mr. HALE. I rose to ask the Chair to enforce the order that was made yesterday.

The VICE-PRESIDENT. Under the agreement made yesterday, debate is now in order upon the report of the conferees on the immigration bill.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses, on the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903."

Mr. SIMMONS. Mr. President, I have always since I have been a member of the Senate, whenever an opportunity offered, acted with the representatives of the Pacific coast upon questions affecting Oriental immigration and settlement in this country, because while the social and industrial conditions created by the presence in our midst of these unassimilable peoples create a situation of national interest and concern, their concentration in the States of the Pacific coast makes the Chinese and Japanese problem more distinctly a Pacific coast problem, just as the concentration of the negro in the South makes the negro problem more particularly a Southern problem.

The people of the South feel that, being more familiar with the negro character and the conditions out of which the negro problem arises than the people of the balance of the country, they understand better what kind of legislation is necessary and proper to meet these conditions.

For the same reasons the people of the South feel that as the people of the Pacific coast are more familiar with the Oriental character and the conditions out of which our Chinese and Japanese problem arises they understand that problem better than the balance of the country and know better what kind and character of legislation is necessary to meet that situation.

As the people of the South demand the right to settle the negro question in its local aspects, and as they insist that in its national aspects their interest and counsel should to a large extent control, so they think the people of the Pacific coast should be allowed to deal with the Japanese problem in its local aspects as they think best, and that in its national aspects their interest and counsel should control, as long as the action they propose is proper and within constitutional limitations.

In many ways in public speech and by private assurances Representatives upon this floor and in the other branch of Con-

gress from the Pacific coast have shown their appreciation of these sentiments of the South toward them in respect to their race problem, and that they entertain a like sentiment toward the South with respect to its race problem.

For these reasons I should deeply regret to have to cast a vote affecting these questions which would tend to create friction or to alienate the feeling of mutual sympathy between these sections upon these questions, and I will not do it except under a strong sense of duty and compulsion.

It is unfortunate, Mr. President, that the bill as amended and framed by the conferees should couple a provision concerning Japanese immigration satisfactory to the Senators from the Pacific coast with a provision affecting the methods by which the South is endeavoring to supply its need for more labor in a way unsatisfactory to some Southern Senators at least.

This question of exclusion of Japanese laborers by legislation or treaty is in itself a great question—I might say now an acute if not an overshadowing question—and I think it would have been far better for the Administration and Congress to have dealt with it as a separate question. But it has been determined otherwise, and the two questions have been joined in one measure which is presented to us in such a form that we can not separate them. In a way we can not vote against one and accept the other, but we must accept or reject both.

If I believed, as does the Senator from Georgia [Mr. BACON] and as does the Senator from South Carolina [Mr. TILLMAN] that the proposed amendments would, if adopted, handicap or embarrass the South in its efforts to secure foreign immigration through State promotion and aid, I would vote against concurrence in the report, as much as I would regret to oppose a measure which Senators from the West think offers their section protection against an influx of cheap Japanese coolie labor.

Mr. President, in these conditions I have decided to vote for the bill as amended by the conferees because, after careful study of it, I have reached the conclusion that the changes it makes in existing law will not embarrass or injuriously affect the South in its efforts to solve its labor problem through means of the so-called South Carolina method of State promotion.

The Senator from South Carolina [Mr. TILLMAN] and the Senator from Georgia [Mr. BACON] have not overstated or exaggerated the labor situation and demands of the South. This is especially true of those Southern States in which manufacturing has been in recent years introduced and developed as rapidly and as extensively as it has been in States like North Carolina, Georgia, and South Carolina; States which twenty-five years ago were almost purely agricultural communities and which to-day count their mills and factories by the hundreds. Surely they have not overstated these demands so far as my State is concerned. I believe I am within the bounds of moderation when I say that in North Carolina we could profitably use in the lines of agriculture probably sixty thousand and in our mills and factories probably twelve or fifteen thousand more laborers than we now have.

As a result of this labor scarcity hundreds of thousands of acres of land which would yield profitable crops are uncultivated and between one-fifth and one-fourth of the cotton spindles in the State are idle.

Unless we can get this labor from elsewhere, either in this country or abroad, it means curtailment in our present activities and a halt in that wonderful development and progress, along both agricultural and manufacturing lines, which has contributed so much to the wealth and prosperity of the country at large and changed the balance of world trade in our favor.

We have tried to get this labor from other parts of our own country, because we have felt and thought it would be better, if possible, that it should be drawn from other parts of the United States, where the people are more in harmony with the native population than foreigners would be, but we have failed. It is not my purpose to go into the reasons for that failure, but simply to state the fact. In these conditions we have been compelled to look abroad for this additional labor.

While the volume of foreign immigration to this country during recent years has been enormous, scarcely any of it has gone to the South. If unsolicited and allowed to follow its own trend but little of it is likely to go there for a long time to come, especially if measures are not taken to correct false and erroneous notions of the social and labor conditions there which have been disseminated abroad by adverse interest.

Something in the direction of inducing and directing immigrants toward the South can be accomplished through State agencies for that purpose located at Ellis Island and at other places of alien debarkation in this country. The immigration bill as it passed the Senate contained the substance of a bill which I introduced two years ago providing for the maintenance by the States at Ellis Island of bureaus for this purpose. The

House struck this provision out of the bill, but I am glad to see that the conferees have restored it. These agencies will help to some extent to solve the labor problem of the South, and to relieve the congestion incident to the settlement of a large per cent of our present immigration in the great cities and centers of population, but as the destination of the great mass of these immigrants, especially the better class of them, is determined before they leave the other side, no great measure of relief from the labor conditions we have in the South is probable or even possible from this source.

If the South must supply its labor needs through foreign immigration, and, as I have said before, it seems reasonably certain that it must, the only way in which it can supply it from this source, and at the same time get a fairly acceptable class of immigrants, is by reaching the immigrant before he leaves his foreign home. This, of course, can be done only through solicitation of representatives or agents either of individuals, corporations, or the State.

Under our contract-labor laws an individual or a corporation is not permitted to solicit or aid foreign immigration unless the immigrant be a skilled laborer and "like labor unemployed can not be found in this country." Under these laws there is an exemption in favor of the States from this prohibition against individuals and corporations by which a State may, through its agents located abroad, not only solicit but induce and assist immigration.

Some of the cotton-mill men of North Carolina have recently had rather an unpleasant experience with the Department of Justice growing out of an attempt on their part to take advantage of the exception with reference to skilled labor which I have mentioned.

These cotton-mill men, unable to find sufficient skilled labor in this country to operate their plants, and being advised that they might import this labor from abroad under the section in our Federal labor laws to which I have just referred, and which provides "that skilled labor may be imported if labor of like kind, unemployed, can not be found in this country," imported a number of mill operatives from England. They did not intend to violate the law, and they did not think they were violating the law. They are among the best men of my State and would not knowingly violate the law. They were advised, and thought the proviso quoted meant they might import "skilled labor" if "available" labor of like kind unemployed could not be found in this country, and they claimed there was no skilled labor of like kind unemployed in this country reasonably "available" to them.

For this they have been indicted in the Federal courts "for importing labor under contract" and suits for penalties under the statute amounting to more than a hundred thousand dollars have been brought against them by the Government upon the contention of the Department of Justice that this proviso does not warrant the importation of skilled laborers under contract if laborers of like kind unemployed can be found anywhere in this country and which could be employed at the scale of wages which obtains in that section of the country where they could be found, notwithstanding it may be an entirely different scale from that obtaining in the section where they are wanted.

Under this strict, and I feel compelled to say rather hard, construction of the language of the proviso, all chance of securing skilled laborers for our factories under the initiative of the mill owners has probably been destroyed unless the courts shall overrule the construction placed by the Department of Justice upon the proviso to the statute to which I have referred.

I regret that the cotton-mill men of my State have gotten into this trouble. They are all good men. We have none better in the State. They are law-abiding citizens, and did not intend to violate the law, if they have done so, and I hope the Government, as the facts in the case are more fully disclosed and understood, will become convinced that if the law has been violated it was a technical and not an intentional violation.

But while I feel this way about this matter, Mr. President, I can not but believe that our contract-labor laws are wise and that, except in cases of great emergency, it is better that immigration to this country should be either voluntary, and then that it should be restricted by such exclusions as may be necessary to safeguard our citizenship and protect American labor, or under State control to the end that only such classes of immigrants may be solicited and aided to come as the State's agents abroad, uninfluenced by any considerations except that of public good, may know or believe would make good and acceptable citizens.

The success of the South Carolina scheme through promotion by State agency and the ruling of the Department of Commerce and Labor sustaining the right of the State to induce foreign immigration along the lines pursued by the South Carolina

commissioner of immigration offers to the South what I regard as a safe and practical plan to supply from abroad its labor deficiency while safeguarding it against the dangers of unrestricted immigration. This decision has raised high hopes in the South. I believe it furnishes the long-sought means of relief from a situation which has been growing more emergent every day.

I would not support the amendments proposed by the conferees if, in my opinion, they would change the present law so as to interfere with the rights of the States under the law to promote foreign immigration by solicitation and inducement through its properly constituted officials and agents abroad. I am going to vote for the bill as amended by the conferees because I am convinced it makes no such changes in respect to this right of the States as the Senator from Georgia [Mr. BACON] and the Senator from South Carolina [Mr. TILLMAN] fear, and because, as I said before, I am anxious to aid the people of the Pacific coast in their effort to protect themselves against an influx of cheap and undesirable oriental labor.

Now, Mr. President, let up examine and analyze for a minute the so-called South Carolina plan, the decision of the Department of Commerce and Labor with regard to it, and the effect of the proposed amendments upon that plan, that we may see whether I am right in my conclusions and contentions.

As I understand it, the ruling of the Secretary in the South Carolina case, based upon the legal opinion of Mr. Earl, the solicitor of that Department, holds that under the exemption in favor of the States, it is competent for a State to send its agent to a foreign country; it is competent for that agent, in the name of the State, to advertise the inducements and the advantages of his State. He may set out climatic conditions; he may set out health conditions; he may state soil conditions; he may set forth the resources and industries of the State; he may set forth the wage scale and the demand for labor, and he may advertise any other inducement, such as free houses and fuel, or short hours of labor, etc., which his State may and does hold out to settlers. He may go further than that, under this ruling; he may, acting for the State, prepay the transportation charges of the immigrant to this country. He may go even further still. He may give the immigrant an assurance which is, in my opinion, almost, if not quite in effect, a contract that he shall have employment at a fixed scale of wages and a guarantee that, if he is not given such employment, or if he shall find any of the essential representations made to him untrue, or even if he is dissatisfied, he shall be returned to the country from which he has come at the expense of the State.

It appears from the opinion of the Solicitor of the Treasury in this case that the money to defray practically all the expenses incurred by the commissioner of immigration of South Carolina in securing and bringing over these immigrants was furnished by certain individuals and manufacturing corporations of that State, and that most of the immigrants upon their arrival were employed by these contributors.

The admission to this country of the immigrants brought over under these circumstances is a recognition by the Secretary of Commerce and Labor of the right of the State under existing law to receive these contributions from individuals and corporations, and with them pay expenses of immigrants so long as it is not shown that there was a contract giving the contributors to this fund preferential consideration in the distribution and employment of such alien laborers as might be induced to come.

Now, Mr. President, if the amendments proposed by the conferees are adopted, the Secretary of Commerce and Labor will have to modify to some extent his ruling as I have stated it; but I do not think that the modification will embarrass the States of the South in their efforts through State agency to secure needed immigration from abroad.

In what respects, Mr. President, would the opinion have to be changed? Giving full force and effect to the amendments proposed, there will still be left to the State the right to appoint an agent, to send that agent to any foreign country, with full power to advertise any and all inducements and advantages the State has in truth and in fact to offer to the settler. He may set forth labor conditions; he may set forth the scale of wages; he may give a positive assurance to the immigrant that if he comes he will find employment, and find that employment at a fixed and certain wage. He can go further; he can, using State funds for that purpose, pay his transportation expenses. He can likewise pay his transportation back to the country from which he came, if he is dissatisfied with the conditions as he finds them, or if he shall find that he can not secure employment, or can not secure employment at the scale of wages promised and guaranteed. The only thing that the agent may not do, Mr. President, that he can now do is to enter into

a contract with the immigrant before his debarkation for services to be performed in this country at a fixed rate of wage, and the bureau of immigration of the State can not receive from individuals or corporations contributions to defray the expenses of solicitation and importation when those contributions have "a string tied to them," or when they are received upon an understanding of any kind or nature whatever, whether expressed, implied, or otherwise, that the contributor is to have a preference in the distribution of such immigrants as may thereby be induced to come.

Mr. President, there are serious objections to the importation to this country of alien contract labor under individual or corporation initiative, and these objections obtain with equal force against individuals or corporations using the State as their agent to do the same thing. The right to solicit and aid foreign immigration, while denied individuals and corporations, is given to the States upon grounds of wise public policy, which would be manifestly defeated if the individual or the corporation is allowed to do through a State agent what the law will not permit him or it to do directly. The objections therefore which obtain against contract labor directly induced by individual or corporation initiative in a large measure obtain where the individual or corporation supplies the money and means to the State, because under these conditions he or it will likely be the beneficiary of whatever success may attend the State's efforts.

For these reasons the law ought not, in my judgment, permit the State to receive from individuals or corporations money to be used in connection with promoting immigration under the exemption allowed to the State with any understanding or expectation on the part of the contributors to such fund that they will enjoy or be given any preference or advantage in the distribution of aliens who might thus be brought to the State over other citizens.

Of course, there could be no sort of objection to contributions to this fund by anyone who contributes solely because of his desire as a citizen to aid in supplying a public demand in this regard, neither reserving nor demanding for himself any greater consideration in the distribution and employment of such laborers as may be induced to come than is accorded to other citizens of the State.

In recent years the subject of foreign immigration has been much discussed in North Carolina, and this discussion has disclosed more or less prejudice among the people against the importation of foreigners. That prejudice is based, not upon any hostility to foreigners as such, but upon an apprehension that if once the doors were opened objectionable and dangerous elements might and probably would be brought into the State and the standard of its citizenship thereby lowered. Mr. President, that prejudice has to some extent been overcome, but there is still a strong feeling among the people of North Carolina against foreign immigration except upon conditions which will guarantee the selection of those classes they desire and the exclusion of those they do not desire.

They believe that if this matter of immigration is left to individual and corporate initiative, following a rule of human nature, the individual or corporation will seek that class of labor which is cheapest. They know that cheap labor does not generally mean good labor or give promise of a high standard of citizenship, and our people are more concerned about preserving the high standard of their citizenship than in supplying their labor demand.

When it was suggested to the people of my State that, under the method of State encouragement and State stimulation, these dangers could be avoided, and that the State, through its agents in foreign countries, would invite and assist to come only such foreigners as would make good citizens, that opposition largely disappeared. I am advised that the legislature of my State which is now in session will enact before it adjourns legislation looking to the promotion of foreign immigration under State control and guidance along the lines followed by South Carolina and covered by the ruling of the Secretary of Commerce and Labor. I hope and believe, however, that the amount appropriated for this purpose will be amply sufficient to cover all reasonable expenses. It was the inadequacy of the South Carolina appropriation that made it necessary for the commissioner of immigration of that State to accept contributions from private citizens.

The South Carolina legislature only appropriated \$2,000, as I understand it, to defray the whole expenses of its bureau of immigration in prosecuting the work of promoting and assisting immigrants to that State. Of course, \$2,000 was utterly insufficient, and it was necessary to get the money from elsewhere. It is not shown nor do I mean to charge that these contributions were received with any unlawful or prohibited under-

standing or agreement; but I do believe and I do say that such a practice tends to defeat the very object of the law, which, while allowing States to promote foreign immigration, denies that right to the private citizen, and I do believe and I do say that it tends to defeat our laws against the importation of foreign contract labor.

If I thought, as I said in the beginning, that the changes proposed would so modify and change the present law upon this subject and the decision which has been rendered thereon as to embarrass any Southern State in carrying out its schemes to get additional labor from abroad, I would vote against the bill. But, as I have said, I am satisfied that nothing of that kind will happen. I am satisfied that the only effect of these amendments will be to prevent an actual contract between the State and the intended immigrants and to prevent corporations from intervening and by making contributions to the State immigration funds become the beneficiary of the State success to the exclusion of the other citizens of the State.

Mr. President, I do not, as I have said before, apprehend any embarrassment to the States of the South growing out of the amendments under discussion, but I do not think there is any present necessity for this legislation. The object sought in making these changes in the law is not to provide against an actual or demonstrated evil or abuse, but against a possible abuse and a contingent evil. It would have been just as well to wait until there was an actual abuse by the States in their efforts to promote immigration. So far as the facts show there has been no abuse up to the present time. There may be none. This scheme, Mr. President, of promoting immigration through State agency has just been initiated. But one State has acted upon it—the State of South Carolina. There has been brought over up to this time but one shipload; I think about five hundred persons in all.

Mr. TILLMAN. Two shiploads.

Mr. SIMMONS. Two shiploads of five hundred each, probably.

Mr. TILLMAN. Six hundred and fifty in all.

Mr. SIMMONS. The Senator says six hundred and fifty in all. Nobody up to this time has charged, certainly it has not been shown, that there has been any abuse of the authority of the State in this regard, so far as our contract-labor laws are concerned in the action of that State.

Other States in the South, encouraged by the success of South Carolina, seeing the opportunities that are offered by that method, are getting ready to take advantage of the ruling in that case. If in the process of development, as the States one after another adopt this plan and begin to operate under it, abuses shall arise, it will be time enough to resort to legislation. If abuses shall arise, growing out of contributions from corporations and individuals, resulting at least in an obligation which is likely to be recognized and give the contributor to those funds an advantage in the distribution of the immigrants they could probably be effectively dealt with by departmental regulations.

In fact, Mr. President, I am advised that the Commissioner of Immigration has this matter in mind, and that he has warned the authorities of South Carolina that there must be no agreement between State authorities and contributors to immigration fund providing for a preference, nor must there be actual preferential treatment in distribution. I am also informed that the Department would, if an unlawful understanding or preference of this kind should be disclosed, hold itself authorized under existing law in deporting immigrants brought in under such conditions.

Mr. President, I wish to emphasize my opposition and that of the people of my State to unrestricted immigration. I am opposed and the people of my State are opposed to the importation of foreign contract labor under individual or corporate initiative, largely because that would let down the bars to indiscriminate immigration. To stop and prevent the present unrestricted and indiscriminate influx into this country of aliens I offered the educational-test amendment to the pending measure, which the Senate adopted, but which the House struck out. I am sorry the conferees on the part of the Senate, after standing out for months for its restoration to the bill, should, under the stress of circumstances, have felt impelled to leave it out. I am glad to know that the commission of nine (for which the bill provides) to investigate the whole subject of immigration will give special consideration to the feasibility of applying this test.

Every consideration of public policy and equitable treatment of American labor requires that some effective restraint should be placed upon the ignorant hordes that are to-day pouring in upon us from nearly every quarter of the globe. In my opinion State selection, under conditions which will guarantee perfect

independence and freedom in selecting the good and passing by the undesirable, is the most effective scheme of accomplishing this desirable restriction.

The people of my State would rather, in my judgment, struggle along with the hard labor conditions they have there to-day than to open the doors of that State to unrestricted immigration. They are especially opposed to the introduction into that State of immigrants from southern and eastern Europe, and I am advised that no immigration bill can likely pass our legislature which does not expressly provide that State agents abroad shall not solicit and induce to come to the State any except persons of Celtic, Scandinavian, or Anglo-Saxon origin and extraction.

The South must have more labor, and it is willing to get it abroad since it can not get it elsewhere, but it wants those who are to come selected with a view to safeguarding its citizenship from further race and class problems. This State method of stimulating immigration obviates the difficulty which has confronted us heretofore. It secures, by the process of judicious and discriminating preferences and exclusion, the kind and class of immigrants we want and excludes in a measure those not wanted. We would get a class of people who would come to us, not as the Italians of southern Europe, not as the Huns and the Poles come, with the purpose of returning just as soon as they can make a little money; not as the Chinaman or the Japanese come, with the purpose of going back as soon as he has exploited our labor markets; but with a fixed purpose when they come of staying; with a fixed purpose of making this country their home; with the purpose of adopting our customs and our habits, of learning our language, of assimilating with our people, of intermarrying with them and becoming a part of a homogeneous whole; with a purpose of making themselves true and loyal citizens of our country, ready to defend its flag, and able to comprehend and understand the genius of its free institutions.

That is the kind of labor and immigrants we want. If you let down the bars, if you permit corporations to go and bring in immigrants as they may desire, either directly or through a State agent, by furnishing to the State its immigration fund, that can not be accomplished, and the immigration we are likely to get in the South will largely be of a kind that we do not want, that will not help us, that will become an element of discord and disturbance, further complicating the social and labor problems which now, unfortunately, vex and distract us.

For that reason, Mr. President, so far as I personally am concerned, I am satisfied with this report, because I think it leaves to the States all the power in this regard that is needed, and all that the State has to do is to take up the burden itself and not ask somebody to bear it under an agreement or contract that they shall have an advantage. As it does this, it accomplishes that purpose which I say our people have of safeguarding this influx of immigration against the admission of that element that we think would be dangerous to our society and to our civilization.

UNION STATION, WASHINGTON, D. C.

During the delivery of Mr. SIMMONS's speech,

Mr. KEAN. Will the Senator from North Carolina yield to me to make a motion?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Jersey?

Mr. SIMMONS. Certainly.

Mr. KEAN. I ask that the vote by which the bill (H. R. 9329) to amend an act approved February 28, 1903, entitled "An act to provide for a union station in the District of Columbia, and for other purposes," was passed be reconsidered.

The VICE-PRESIDENT. The Senator from New Jersey asks that the vote by which the bill named by him was passed be reconsidered. Without objection, it is so ordered.

Mr. BEVERIDGE. Mr. President, I give notice that hereafter whenever a Senator is taken off his feet by the interposition of matter—

Mr. SIMMONS. I had no objection to it, Mr. President. That is all right.

Mr. BEVERIDGE. It is not all right.

Mr. SIMMONS. I knew it was in violation of the rules, but I did not care anything about it.

Mr. KEAN. I thank the Senator.

Mr. BEVERIDGE. But other Senators are interested, as well as the Senator from North Carolina. The Senate is interested.

Mr. McCREARY. A speaker ought not to be interrupted in that way.

After the conclusion of Mr. SIMMONS's speech.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it favorably with amendments.

I should like consent that 200 additional copies of the bill be printed for the use of the Senate.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that 200 copies of the bill, in addition to the usual number, be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered. The bill will be placed on the Calendar.

Mr. FRYE. I give notice that I will endeavor to secure the consideration of the bill as soon as the agricultural appropriation bill is disposed of.

RESTRICTION OF IMMIGRATION.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903."

Mr. DUBOIS. Mr. President, I do not like this clause in the conference report:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

In the first place, I do not think that provision has any place properly in this bill. It has never been considered by either branch of Congress. So far as I can learn, that provision was prepared by the Secretary of State under the direction of the President of the United States and put into this bill by six gentlemen, three conferees on the part of the House and three on the part of the Senate. I do not think the President of the United States ought to be allowed to legislate directly in regard to any subject, much less one of such vast importance as this. I am aware of the fact that you can not exclude it on a point of order, and that in order to defeat it the entire conference report must be rejected, and therefore it is necessary, if anyone objects to a particular clause, to give his reasons, and if there are enough objections by individual Senators to sufficient clauses the conference report will be sent back and another one brought to the Senate.

What does this clause mean, Mr. President? If it means that the Japanese coolies and laborers are to be excluded, that will not be satisfactory to the Japanese Government. If it does not mean that they are to be excluded, in my judgment, it will not be satisfactory to the Pacific coast. A temporary exigency of a political nature has arisen which seems to demand some legislation for the present. I can not, as the representative of one of the States of the Pacific slope, give my consent to this legislation. If it is satisfactory to the Senators from California, well and good for them. Under a certain condition, it is provided that the President of the United States may refuse to allow Japanese to come into the United States, the condition being where they are coming in to the detriment of labor conditions in the United States. That is not the only question involved in regard to Japanese coolie immigration. Every representative from the Pacific coast knows that there are objections to Japanese coolies besides their competition with our labor. There is on the Pacific coast more objection to Japanese coolies than to Chinese coolies. We do not need either Japanese or Chinese labor on the Pacific coast. If you could land them at Charleston, or New Orleans, or New York, or Boston, we would be better satisfied. We on the Pacific coast can get along better without them than with them. Wherever a Japanese coolie or a Chinese coolie comes in competition with our labor anywhere, our white laborers quit. They will not compete with it. They will not put themselves on an equality with it, not because they fear it, but there are moral questions involved which are not cured by this amendment.

Every representative from the Pacific coast knows that we do not need this labor. Every one of us can illustrate in our own State. I will take the great Coeur d'Alene mining camp, in Idaho, the greatest almost in the world, to illustrate that we do not need oriental labor. Fifteen thousand laborers are employed there. There are eight or ten large towns within a radius of 50 miles. It is the greatest lead-producing camp in

the world. Twenty-five years ago, when it was started, the miners said, "No Chinaman shall come into this camp," and from that day to this no Chinaman has gone there. There is no trouble about labor. There is no trouble about waiters. There is no trouble about laundrymen. White men and white girls perform all the labor satisfactorily, and it is so in other parts of the West and in regard to labor for all our industries. But you let a half a dozen Chinamen go into that camp and you will get no white labor to compete with them in any employment.

The Senator from Texas [Mr. CULBERSON] yesterday offered the following resolution:

Resolved, That the conferees on the part of the Senate on the bill S. 4403 be instructed to present to the conferees an amendment providing for the exclusion of Japanese laborers and coolies from the United States and their Territories and insular possessions and the District of Columbia, to be effective January 1, 1908.

That is what the Pacific coast wants, if I understand the condition, and they would prefer to wait until they can convince the balance of the country, as they did in regard to the Chinese, that this legislation is necessary in order to maintain our civilization on the coast. If they can not convince them, then, of course, this legislation will fail. They do not want this makeshift. It has no business here; it is not properly here; and, as I say, it is brought in to bridge over a temporary difficulty and one which ought not to have arisen.

It seems to me that the Senate ought to agree with me that San Francisco, under the laws of California, should regulate her own schools, and that the President of the United States ought not to have entered into that controversy, and that you ought not by this legislation here to pass on a question which is already deeply agitating the Pacific coast. It ought to be left out until you can take it up properly and settle it finally. The Pacific coast representatives, I aver here, within one week after this passes, will be demanding the exclusion of Japanese coolies and laborers, not solely because they compete with our labor, but for other reasons which I will not go into detail in open session. But the reasons are there, and they are urged more strongly against the Japanese than they were against the Chinese.

I have nothing to offer in opposition to the civilization of the Japanese. I am not so certain but taking it altogether it is the equal, if not the superior, of ours. I am not attacking their civilization. But it is not our civilization. I have spent some time in Japan, many months, and have studied these people, and I yield to no one in my admiration for them. Their wealth is equally distributed. They have miles and miles of little shops in their cities, the families living in the shops, the members of the families manufacturing one particular article. Recently they have gone into larger manufacturing. But in no country in the world at the present day, in my judgment, is wealth so evenly distributed as in Japan. The devotion of the children to their parents is most beautiful and touching, and the tenderness of the parents to the children is almost sublime. They have magnificent schools, commencing with the kindergarten and going to the highest education.

There are a great many commendable things about the Japanese, but there is a racial difference between them and us which can not be bridged over. I have known many persons who have lived with them for many years, and I have yet to find one who has ever made an intimate friend of one of them. Their hearts and consciences do not touch ours. We can not assimilate. It is impossible. And we of the Pacific coast who come in contact with the Orientals understand it better than you do. It is legislation which ought not to be brought in here and fastened on us by six men in an immigration bill.

There are 45,000,000 Japanese in a territory the size of Montana. About one-twelfth of that area is agricultural. They have not as much agricultural land in all the Empire of Japan as there is in one of our large counties. There are 45,000,000 of them. They are seeking some place to go. We do not want them. It will be much more difficult for us to legislate to keep them out if this clause goes through. If we ought not to legislate, very well. If the balance of the country do not agree with us and the evil is not sufficient so that they will aid us in what we believe ought to be done to preserve our civilization, we will accept that. But we do not want to be estopped through this legislation, which gives a power to the President and says he may exclude and for reasons which do not touch the main question at all, which govern us in our opposition.

I wish to say also that under this bill Japanese can go to Hawaii, to the Philippine Islands, and our other possessions. There is no adequate restriction upon them. It is rather an encouragement to them to go to those islands, because, as I

said, they are seeking places to go with their great population and limited agricultural country.

There has been a bill pending for two or three years—it has passed the House twice—to give us free trade with the Philippine Islands. That means free trade in sugar and tobacco. The contention of those of us who oppose that bill has been, among others, that the Japanese market is close at hand, and if they could not get Filipino labor they could get Japanese labor to compete with our labor here, and our great corporations would go there and erect sugar factories. Under this law we invite the Japanese to go to the Philippine Islands and labor for these corporations for 15 or 20 or 25 cents a day, and they would establish other manufacturing plants in addition to sugar plants.

I think we ought to guard the Filipino as much as we guard our own people against this class of labor. We can compete with them here much better than the Filipino. It is difficult to get the Filipino to labor at all, and he would be utterly swamped, as the Hawaiians have been, if you send to that country the Japanese and the Chinese.

It does not make so much difference as far as Hawaii is concerned. There are only a handful of Americans there, five or six thousand, and some forty or fifty thousand Hawaiians. The Hawaiians will not labor anyway. They are very similar to our American negro. They love to lie in the sun, play their guitars, and sing, and loaf and fish, and take life easily, and in that tropical climate they can do this. They do not care to labor, and they do not care that the Japanese and Chinese have utterly and absolutely supplanted them, and there is nothing in the Hawaiian Islands to speak of except the sugar plantations. So I would have no particular objection to their getting their labor from Japan and China.

But it not just and fair to the Filipino to give this invitation to the Japanese to go there. Every Senator knows that in due course of time, probably at the next session, Congress will pass a free-trade bill with the Filipinos, and manufacturing plants will be established down there, and they will get their labor from Japan.

I could not allow this bill to pass without stating, as one of the representatives of the Pacific coast, that I think it would be more manly to meet this question fairly—to exclude the Japanese coolies and laborers or allow them to come in—and not by this subterfuge, to meet a pressing political exigency in San Francisco, fasten this legislation on the country.

I shall be constrained, feeling as I do in regard to it, to vote against the conference report; and if it is beaten, I hope the conferees will bring in the resolution offered by the Senator from Texas [Mr. CULBERSON].

Mr. BACON. Mr. President, I do not design to occupy the time of the Senate much longer. There is a matter, however, to which, in justice to myself and to others, I should allude. Otherwise, we might be very much misunderstood.

It has been published in the papers that the action taken on yesterday by those of us who are opposed to the adoption of this report in consenting to a vote being taken to-day was done under a threat. It was published in the most conspicuous manner in the papers of this city, and I presume telegraphed all over the United States, to the effect that the Senators who are opposing this report had been induced to abandon any further opposition to it and to consent to a vote by a threat on the part of the President of the United States that if we did not do so there would be an extra session called, and furthermore giving a very sensational statement that the Senator from Rhode Island [Mr. ALDRICH] had sent a dispatch to one of his colleagues on this floor to the effect that if this opposition were not abandoned the river and harbor bill should be so amended as to cut out all the appropriations which were made for Southern States.

Now, Mr. President, of course no Senator on this floor—

Mr. ALDRICH. Mr. President—

Mr. BACON. Please let me finish the sentence. No Senator on this floor who has any knowledge of the Senator from Rhode Island would for a moment credit the truth of that statement, and I should say nothing about it if it were limited in its consideration to members of the Senate. But it has gone out to the world, and not to deny the motive attributed to those of us who are opposing the adoption of this report, but in putting it upon a higher ground, I simply want to say that so far from that being the case, without ever having had any communication to me to such an effect by any of the colleagues of the Senator, I knew it was a falsehood when I saw it; and I only state it in order that the public may know that so far from considering it necessary to deny that we were influenced in that way we recognized it as untrue when it was first brought to our attention.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I will, if the Senator desires to interrupt me at this point. Although I have not quite completed what I have to say, I yield to the Senator.

Mr. ALDRICH. I should not have noticed the ridiculous statement referred to by the Senator from Georgia if it had not been alluded to here. It is entirely the creation of the reporter's imagination.

Mr. BACON. I am quite sure of that.

Mr. ALDRICH. There is not a particle of truth in it as a whole or in any of its parts.

Mr. BACON. I have done the Senator the justice to say that I am satisfied it is absolutely false, and I only alluded to it because it has doubtless gone to the country at large, and it was necessary that this statement should be made.

I desire to say further, Mr. President, that the course given by those of us who are opposing this report in agreeing that the vote should be taken to-day was not even at the invitation of Senators on the opposite side of the Chamber. The request was made by a Senator on this side of the Chamber, and after consultation with those of us who had been active in opposition to the measure.

I wish to say very frankly that one reason why no further resistance in the way of debate was determined upon was that some Senators on this side of the Chamber had assurances which they deemed to be reliable and satisfactory to them that the Department of Commerce and Labor, which had made the ruling heretofore upon the existing law which was satisfactory to the people of their immediate section, had upon an examination of the proposed law expressed the opinion that it in no wise changed the law. While I did not agree with that construction, at the same time I was not disposed to take issue with the Department, if it sees proper so to rule. It would be a very great misfortune, Mr. President, to the people of my section if a contrary rule should be made.

I think it proper to say, furthermore, that the action of those of us who have opposed this report has been somewhat misunderstood. Senators will remember that on the first day there was resentment on the part of myself and others because of the effort which was made to require us to vote upon a report of some thirty or forty pages which we had just had placed in our hands, and which we had not even had time to read. But it will be remembered that the assurance was given by the Senator from South Carolina [Mr. TILMAN] and concurred in by me that the only demand we made was that we should have that opportunity, and that when we did have that opportunity what we proposed to do was simply to discuss it fully. Yesterday, it will be remembered, when I resumed the floor I put a number of papers in without reading them, to be published in the RECORD, which would have been read if my purpose had been, as is intimated, simply to consume time. Our purpose has been simply to place this matter fully before the country and to discuss the important interests which are involved, in order that they may be understood.

So far as I am concerned, I have as fully as I have desired placed that matter before the Senate and before the country. The Senator from South Carolina has done the same thing. We believe that the attention of the Senate and of the country has been interested, at least, if not arrested, by the magnitude of the interests which are involved and the presentation of that magnitude. Whatever may be the outcome of this question, we believe the country will be appreciative of the fact that we in the South are in a condition where we are entitled to consideration at the hands of the Federal Government in the removal of restrictions which will enable us to get not undesirable immigrants, but desirable immigrants, and which will enable us to get them not by objectionable contract negotiations, but by methods which will enable us to introduce into the country the best class of immigrants who shall come here, unbound by any contracts, and free to make contracts when they get here such as it may be to their interest to make.

Mr. President, there is another matter that I do not desire to go into at length, but still I think it proper that I should allude to it. The Senator from Massachusetts [Mr. LODGE], who I regret is not now in his seat, spoke of the fact that he had 500,000 workmen in his State who are opposed to a contract-labor law.

The VICE-PRESIDENT. Will the Senator from Georgia suspend? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. Table Calendar No. 26, Senate resolution 214, by Mr. CARTER.

Mr. HEYBURN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered; and the Senator from Georgia will proceed.

Mr. BACON. Mr. President, that is not singular or peculiar to the State of Massachusetts. That is a general sentiment throughout the country. There is a general sentiment in opposition to the abuse of the importation of immigrants. There is a strong sentiment to that effect in my own State, which I of course most profoundly respect and which I do not wish to violate. I repeat there is in my State, as well as in all other States, a just opposition to the introduction of immigrants whose presence in our country is not desirable, and the great advantage in the plan which we may call hereafter, I presume, the South Carolina plan is that which results in the introduction of those who are desirable.

But I wish to say, Mr. President, that it is not simply the presence of the laborers to whom the operation of the law as it now exists is undesirable, and I say that that is especially true in the State represented by the Senator from Massachusetts. The fact can not be concealed that there is a serious and growing jealousy on the part of the manufacturers in the State of Massachusetts against the growing and increasing manufacturing interests in the South. There is great jealousy over the growing and increasing manufacturing interests of the South, and every disposition to interfere with the further development of that manufacturing interest.

Mr. President, no surer method can be adopted to arrest the development and growth of the manufacturing interests of the South than to say that the South shall not have a proper class of immigrants with which that development can be made. Because of conditions, to which I have already alluded, the negro population are not available for the purpose of being utilized in the cotton mills; and the white population, the native population, which is alone available, has already been drawn on to the full extent and limit of its capacity. Therefore, if other labor can not be introduced the development of the cotton industry must cease. Furthermore, as conditions now show that which has already been inaugurated must in part remain without being fully utilized. As stated by the report of the Department of Commerce and Labor and as stated to-day by the Senator from North Carolina [Mr. SIMMONS], it is a fact estimated reliably that there are to-day 20 per cent of the spindles of the South idle.

Mr. President, I said that there was a jealousy and a disposition to repress development of this growing industry in the South on the part of those engaged in the same industries in Massachusetts, and I want to present to the Senate a marked evidence of that fact.

I may not discuss what occurs in another House, but I am at liberty to read to the Senate the records of the other House so far as relates to the introduction of bills. It is a fact that a Representative from the State of Massachusetts has during four Congresses, beginning with the Fifty-sixth Congress, introduced a joint resolution looking to the amendment of the Constitution of the United States, in order that there may be neutralized the advantages which the South has in the manufacture of cotton by reason of climatic and other conditions. That joint resolution was introduced in the Fifty-sixth Congress, Fifty-seventh Congress, Fifty-eighth Congress, and Fifty-ninth Congress, all of them practically identical, if not absolutely identical. I will read only one—the one that was introduced in the Fifty-ninth Congress. It was introduced December 4, 1905, and is in these words:

Joint resolution (H. J. Res. 1) proposing an amendment to the Constitution of the United States relating to uniform hours of labor.

Whereas under State regulation there now exists and must always exist great diversity in the hours of labor in manufacturing establishments, as fixed by law or custom in the several States of the United States, the present variation in the working week being from fifty-eight hours to seventy-two hours; and

Whereas this variation in the length of the legal working week creates conditions of discrimination as between the citizens of the several States of the Union, which operates to the disadvantage of both labor and capital in many localities, resulting in unequal earnings for a given amount of capital and unequal wages for a given amount of labor, which unequal conditions are contrary to the fundamental theory of the Constitution of the United States, which contemplates equal rights and uniform privileges to all citizens of the United States, irrespective of the particular State in which they may happen to dwell; and

Whereas this lack of uniformity in the hours of labor is the outcome of State legislation, and is beyond the power of the States, acting through their legislatures, to make uniform, by reason of the decision of the supreme courts of several States to the effect that all laws regulating hours of labor are unconstitutional in those States; and

Whereas unequal and partial restrictions disturb the equilibrium of industry and are serious obstacles to national progress: Therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the Congress of the United States do recommend

to the several States of the Union the adoption of the following amendment to the Constitution of the United States, to wit:

"ARTICLE XVI.

"The Congress shall have power to establish uniform hours of labor in manufactures throughout the United States."

Mr. President, if I were disposed to consume the time of the Senate I could read several other bills which have been introduced in Congress by Senators or Representatives looking to the same end—the national control of the manufacturing industries of the South—in order, as specified in this resolution, that unequal conditions of advantage and opportunity may be equalized by Federal legislation.

Mr. President, it does seem to me that if there was ever any section of any country in the world against which such a resolution should not be attempted to be leveled, not only as found in the proposed amendment to the Constitution which I have read, but as found in the particular bill now before the Senate, it is the South, because no people have ever dealt so heroically with the most deplorable conditions, and dealt with them successfully, as has the South. So far from there being any disposition to repress them in this regard, so far from any disposition to throw any impediment in their way, there ought to be every disposition and every effort to bid them godspeed and to give them all the aid which can possibly be given them.

I have said, Mr. President, that opportunities at the South by reason of the peculiar conditions are restricted in the matter of development. I want to show the contrast between the States of the South and the State from which the Senator from Massachusetts comes. While we can not use the negro population, constituting probably an average of nearly 40 per cent in the cotton States of the total population, and while the white population has been drawn on to the limit of exhaustion, it is not only true that the State of Massachusetts has this unlimited tide of immigration which flows on the northern borders every year from Europe, but, if I am correctly informed, the State of Massachusetts draws from Canada its mill operatives to the extent of from two-thirds to three-fourths—opportunities which are shut to us because of the difference in locality.

Mr. President, I want to bring to the attention of the Senate in this connection something which will, I am sure, challenge attention as to the wonderful work which has been done by the Southern States in their rehabilitation after absolute desolation. I am going to read an article which I clipped from the New York Sun of September 19 last. It is very short:

MATERIAL PROGRESS IN THE SOUTH.

The Business Magazine, of Knoxville, Tenn., prints some figures which give a good idea of the great material progress of the South in the past few years. The following is a condensation and continuation:

Individual bank deposits.

	1896.	1900.	1905.
National banks.....	\$124,743,629	\$201,605,167	\$372,383,409
State banks.....	82,795,625	150,440,319	369,652,112
Savings banks.....	9,347,597	17,369,650	6,052,503
Private banks.....	4,626,017	5,306,131	13,643,521
Trust companies.....	172,151	322,081	5,590,629
Total.....	221,685,019	375,043,348	767,322,174

Increase 1900 over 1896.....\$153,358,269
Increase 1905 over 1896.....545,637,155

These figures show an average increase of \$60,626,349 a year during the nine years.

The percentage of increase in deposits in the banks and trust companies of the South between 1896 and 1905 is, according to the reports of the Comptroller of the Currency, 246 per cent. This is the largest percentage of increase in the time named of any section of the United States, not even excepting the Western States.

In one year, 1905, southern financial institutions added nearly as much to their deposits as they did in four years a decade ago.

The capital invested in manufacturing in seven Southern States—Alabama, Arkansas, Georgia, Louisiana, Kentucky, Tennessee, and Texas—was \$117,000,000 twenty years ago; now, according to the census of manufactures, 1905, it is \$803,000,000, an increase of \$686,000,000. The yearly manufacturing product of these seven States in 1880 was \$221,000,000; in 1905 it was \$948,000,000, an increase of \$727,000,000.

In the same seven States the increase in value of farm property between 1880 and 1900 was \$2,053,000,000, or more than \$100,000,000 a year. For poultry and eggs alone those farms get \$45,000,000 a year. Their animal products bring \$250,000,000, and the total product, \$900,000,000 a year, exceeds that of any other section of the United States except the North Central division, composed of the upper Mississippi Valley States from the Ohio to the Dakotas.

These seven Southern States, with Mississippi added, now raise nearly 500,000,000 bushels of corn each year; they have more than 18,000,000 head of cattle, and produce more than 200,000,000 pounds of rice each year.

Only 44 per cent of the southern farms now derive their principal income from cotton. Still, cotton production has steadily increased from 7,000,000 bales, worth \$300,000,000, about twenty years ago, to 13,000,000 bales last year, worth \$628,000,000. The home-grown cotton demand of the mills of the United States is now about 4,000,000 bales a year. The census of 1900 shows that in twenty years the im-

proved acreage of twelve Southern States increased from 78,082,484 acres to 107,573,679.

The output of manufactures of the Southern States south of the Potomac and the Ohio, without West Virginia, was \$450,000,000 greater in 1900 than in 1890 and \$150,000,000 greater in 1905 than in 1900.

Mr. President, I shall ask leave to insert in full, with the permission of the Senate, an article from the Manufacturers' Record of January 10, 1907, headed "Remarkable Exhibit of Southern Prosperity."

The PRESIDING OFFICER (Mr. MULKEY in the chair). In the absence of objection, permission will be granted.

The article referred to is as follows:

[From Manufacturers' Record, January 10, 1907.]

REMARKABLE EXHIBIT OF SOUTHERN PROSPERITY.

In 1860, when the United States had a population of 31,443,000, the wealth of the country was reckoned to be \$16,159,000,000, of which the South possessed \$6,332,000,000. Within five years the South's wealth had been reduced to quite \$4,000,000,000. With a population of between 25,000,000 and 26,000,000, or 5,000,000 or 6,000,000 less than the country's population in 1860, the South's wealth is now in the neighborhood of \$19,390,000,000, a sum greater by more than \$3,000,000,000 than the wealth of the United States forty-seven years ago. Much of the increase in this wealth has been made in the past six years, and its stages are indicated in the accompanying table comparing the assessed valuations of property in the fourteen Southern States in 1900, 1905, and 1906, the figures of one of the States being estimated, it is believed, conservatively.

Assessed southern property values.

	1900.	1905.	1906.
Alabama.....	\$270,408,432	\$344,224,221	\$373,468,462
Arkansas.....	201,908,783	290,576,108	\$321,700,000
Florida.....	96,686,954	131,436,593	142,018,871
Georgia.....	433,323,691	577,967,938	624,465,472
Kentucky.....	640,688,240	795,771,834	808,041,918
Louisiana.....	276,659,407	396,821,157	459,271,270
Maryland.....	616,719,782	705,561,456	738,762,161
Mississippi.....	215,765,947	281,343,137	366,799,080
North Carolina.....	306,597,715	461,520,668	489,799,456
South Carolina.....	176,422,288	220,224,503	249,534,422
Tennessee.....	396,363,566	445,832,036	474,416,837
Texas.....	914,007,634	1,139,022,730	1,221,159,869
Virginia.....	480,425,025	554,188,687	629,641,533
West Virginia.....	240,634,580	332,948,351	357,839,858
Total.....	5,266,594,044	6,680,439,421	7,756,919,209

* Estimated.

The increase in assessed valuation between 1900 and 1905 was from \$5,266,594,044 to \$6,680,439,421, or by \$1,413,845,377, or 26.9 per cent, an average of 5.3 per year. The increase during the past year was to \$7,756,919,209, or by \$1,076,479,788, equal to 16.1 per cent. This increase is to be accounted for partly by the bringing within range of assessment in some States property that had not previously been included in assessable property, and, consequently, probably not in estimates of true wealth, and partly by such facts, as in Mississippi, that the realty assessment was made in 1906 for the first time since 1902. The increase in assessed values between 1890 and 1900 was \$755,668,807. The increase between 1900 and 1906 was \$2,490,325,165, or more than three times as great. But it will be recalled that the earlier ten-year period was synchronous with one of the most notable periods in American history of low prices for cotton and of consequent retardation of southern energies, while the past year was still materially affected by the prosperity which began for the cotton growers about the turn of the century. The cotton crop of 1899-1900, with its seed, brought about \$362,000,000 for 9,922,000 bales. It is too early to give the value of the 1906-7 crop, but with the seed the crop may bring \$675,000,000 or over.

The bettering of the cotton situation was quickly followed by an enhancement of the value of farming lands, adding to the wealth of the South at the rate of \$500,000,000 or \$600,000,000 annually during the past three or four years. Then, too, increasing attention given to other crops than cotton in application of the lessons of the lean years—the crop-lien years—at the end of the nineteenth century had brought the South into a position of greater strength as to general crops, enabling it to have a greater interest, though not its full potential interest, in the enhanced prices of farm products; in fact, the value of eight of its crops in 1906 was nearly equal the value of its cotton. These crops were as follows:

Corn.....	\$390,921,625
Wheat.....	62,329,774
Hay.....	54,899,200
Tobacco.....	39,924,815
Oats.....	28,341,394
Irish potatoes.....	17,199,329
Rice.....	16,121,298
Rye.....	1,045,596
Total.....	610,783,031

The same crops in 1905 brought \$549,000,000, but a better conception of the general trend in southern agriculture may be had in a study of the accompanying tables comparing the production of corn, hay, and potatoes in 1900 and 1906. The 1906 crop of corn, 729,600,894 bushels, was a record breaker for the South, and was only about 100,000,000 bushels less than all the corn raised in the country in 1860. It was an increase of 252,945,086 bushels, or 53 per cent, over the production of the South in 1900, while the increase for the whole country in that period was 822,313,575 bushels, or 39 per cent. The southern crop was 22.6 per cent of the total crop in 1900, and nearly 25 per cent of the total in 1906. The 729,600,894 bushels of the South's 1906 crop brought \$156,300,000 more than its crop of 476,655,808 bushels in 1900.

In the six-year period the southern hay crop increased from 3,730,053 tons to 4,217,126 tons, or 13 per cent, while the crop of the country increased from 50,110,906 tons to 57,145,959 tons, or 14 per cent. The value of the southern hay crop increased from \$42,466,428 to

\$54,899,200, or 29 per cent, and the value of the crop in the whole country from \$445,538,870 to \$592,539,671, or 33 per cent. The comparison of the South with the whole country is quite favorable to the South in view of the fact that in a great portion of that section it has never been necessary to provide for indoor feeding during the winter, and of the additional fact that cotton-seed products and other things than hay are being used for feedstuffs in constantly increasing quantities.

Corn.

	Amount.		Values.	
	1900.	1906.	1900.	1906.
Alabama.....	29,355,942	47,849,392	\$17,026,446	\$30,623,611
Arkansas.....	45,225,947	52,802,569	19,447,157	24,817,207
Florida.....	4,156,192	6,875,000	2,493,715	4,262,500
Georgia.....	34,119,530	52,066,596	19,448,132	34,884,619
Kentucky.....	69,267,224	105,437,376	27,706,890	44,283,698
Louisiana.....	24,702,598	26,217,633	12,351,299	15,730,580
Maryland.....	15,232,802	22,007,825	6,245,449	9,903,521
Mississippi.....	25,231,998	40,789,207	14,634,559	24,881,416
North Carolina.....	29,790,180	41,796,846	16,980,403	28,421,855
South Carolina.....	13,129,137	23,611,233	8,402,648	17,236,200
Tennessee.....	56,997,880	86,428,912	27,928,961	40,621,589
Texas.....	81,962,910	155,804,782	38,522,568	77,902,391
Virginia.....	28,183,760	45,188,523	13,810,042	24,858,678
West Virginia.....	19,299,708	22,725,000	9,649,854	12,498,750
Total South.....	476,655,808	729,600,894	234,648,123	390,921,625
Total United States.....	2,105,102,516	2,927,416,091	751,220,034	1,166,626,479

Hay.

	Amount.		Values.	
	1900.	1906.	1900.	1906.
Alabama.....	94,061	109,882	\$992,344	\$1,461,431
Arkansas.....	228,580	113,491	2,022,933	1,123,561
Florida.....	6,418	30,000	87,927	450,000
Georgia.....	190,237	145,289	2,425,522	2,288,302
Kentucky.....	390,064	603,723	4,427,226	7,999,330
Louisiana.....	50,302	41,472	472,839	476,928
Maryland.....	302,292	353,167	4,247,203	4,767,754
Mississippi.....	99,922	83,359	994,224	954,461
North Carolina.....	176,680	193,475	1,978,816	2,902,125
South Carolina.....	192,453	88,596	2,213,210	1,351,089
Tennessee.....	313,432	512,563	3,698,498	6,893,972
Texas.....	548,879	683,705	3,732,377	5,811,492
Virginia.....	589,133	534,066	7,835,469	8,278,023
West Virginia.....	547,600	724,338	7,337,840	10,140,732
Total South.....	3,730,053	4,217,126	42,466,428	54,899,200
Total United States.....	50,110,906	57,145,959	445,538,870	592,539,671

The larger part of the sweet potato crop of the country is raised in the South, but that is not preventing that section from gradually increasing its production of Irish potatoes. While its crop advanced between 1900 and 1906 from 16,940,410 bushels to 24,331,545 bushels, or 43 per cent, and the crop of the country from 210,926,897 bushels to 308,038,382 bushels, or 46 per cent, the value of the South's crop increased from \$10,254,497 to \$17,199,329, or more than 67 per cent, and the crop of the whole country from \$90,811,167 to \$157,547,392, or 73 per cent.

The increased values of the South's crops of corn, hay, and potatoes in the six years aggregate \$175,631,106, or more than 60 per cent, while the value of the cotton crop increased by probably \$313,000,000, or 86 per cent. The aggregate value in 1906 of the nine crops in the South which have been mentioned here was \$1,285,000,000. To that should be added \$159,000,000 for poultry products, \$136,000,000 for dairy products, \$110,000,000 for fruits and vegetables, \$160,000,000 for live-stock products, \$40,000,000 for sugar and its products, \$18,000,000 for sweet potatoes, and \$16,000,000 for miscellaneous products—a total of \$639,000,000, or an aggregate of \$1,924,000,000 of products sold from the farm. Adding to this the value of products consumed, would bring the total up to quite \$2,000,000,000.

Irish potatoes.

	Amount.		Values.	
	1900.	1906.	1900.	1906.
Alabama.....	417,933	694,350	\$942,705	\$645,746
Arkansas.....	2,127,816	1,666,960	1,212,855	1,116,863
Florida.....	104,280	335,410	110,537	368,951
Georgia.....	391,816	664,279	301,698	730,707
Kentucky.....	2,807,490	2,848,352	1,408,745	1,737,495
Louisiana.....	539,630	744,000	426,308	558,000
Maryland.....	1,269,455	2,673,843	685,506	1,497,352
Mississippi.....	347,094	478,380	288,088	416,191
North Carolina.....	1,063,474	1,785,900	691,258	1,321,566
South Carolina.....	335,946	743,330	335,946	780,496
Tennessee.....	1,365,660	1,793,600	792,083	1,112,032
Texas.....	916,918	2,394,469	806,888	2,083,188
Virginia.....	2,223,778	4,174,200	1,312,029	2,796,714
West Virginia.....	3,029,120	3,334,472	1,544,851	2,034,025
Total South.....	16,940,410	24,331,545	10,254,497	17,199,329
Total United States.....	210,926,897	308,038,382	90,811,167	157,547,392

Consideration of increasing wealth in the South must add to the \$2,000,000,000 worth of farm products \$2,225,000,000 worth of manufactured products, and \$260,000,000 worth of mineral products. Such annual productivity, now aggregating about \$4,485,000,000, accounts for an increase of nearly \$50,000,000 in the capital of national banks in

the South in six years, and an annual increase of \$40,000,000 or \$50,000,000 in the deposits in national, State, savings, and private banks and loan and trust companies in that section, and the general progress has an expression in and is immediately contributed to by railroad construction, every mile of new track stretching toward great lumber tracts or toward deposits of coal, iron ore, and other minerals, or bringing closer to markets virgin agricultural sections, being just that much power added to productivity. In 1906, as shown by the accompanying table, 3,055 miles were added to the South's mileage, 26.7 per cent of the total addition since 1900, and bringing the total to 64,035 miles. That is more than double the railroad mileage of the whole country in 1860, and within less than 30,000 of the total mileage of the country in 1880. Texas alone has 3,600 miles more railroad than the whole country had in 1850, and during the past year it led in the increase in the South with 810 miles, the State nearest to it in new construction having been Louisiana, with 472 miles. Arkansas ranked third in new mileage, the promise of an enormous advance in the farther South, but it is almost equally significant to note 162 new mileage in Virginia, 192 in North Carolina, and 216 in West Virginia, telling of mineral and timber developments in those States.

Southern railway mileage extension.

	1900.	1905.	1906.
Alabama.....	4,197	4,644	4,746
Arkansas.....	3,109	4,216	4,499
Florida.....	3,256	3,953	4,088
Georgia.....	5,730	6,415	6,641
Kentucky.....	3,094	3,330	3,403
Louisiana.....	2,801	3,820	4,292
Maryland.....	1,364	1,462	1,496
Mississippi.....	2,934	3,604	3,826
North Carolina.....	3,733	4,004	4,196
South Carolina.....	2,919	3,107	3,133
Tennessee.....	3,185	3,598	3,668
Texas.....	9,992	11,879	12,689
Virginia.....	3,795	3,920	4,082
West Virginia.....	2,485	3,048	3,264
Total.....	52,594	60,980	64,035

Summarizing farm activities, embracing the raising of practically every crop grown in the country, in addition to crops exclusively southern, manufacturing energies with 262 of the 330 separate industries of the country represented in the South, mineral production in which the South is to become more and more dominant, especially as to coal and petroleum and iron ore, lumbering operations in which the cut of the South is about 40 per cent of the total in the country, railroad building, foreign commerce, etc., a magnificent display of progress is made.

Six years' southern progress.

	1900.	1906.
Population.....	23,500,000	25,900,000
Farm products.....value..	\$1,272,000,000	\$2,000,000,000
Manufactures:		
Capital.....	\$1,153,000,000	\$1,700,000,000
Products.....	\$1,464,000,000	\$2,225,000,000
Cotton mills:		
Capital.....	\$112,837,000	\$250,000,000
Spindles.....	6,267,000	9,769,000
Bales used.....	1,597,000	2,574,000
Pig iron.....tons..	2,604,000	3,500,000
Coal.....do.....	49,048,000	83,250,000
Lumber.....value..	\$188,000,000	\$300,000,000
Exports.....do.....	\$464,317,000	\$642,000,000
Railroad mileage.....	52,594	64,035
Assessed property.....	\$5,266,000,000	\$7,756,000,000
True value of property.....	\$12,934,333,376	\$19,390,000,000

In six years, with an increase in the population of about 2,400,000, or something more than 10 per cent, the South has increased the value of its farm products by \$728,000,000, or 57 per cent, and the value of its manufactures \$761,000,000, or 52 per cent. It has added 3,493,000 spindles to its cotton-mill outfit, an increase of 55 per cent, and its mills used in 1906 about 2,375,000 bales of American cotton, or 48 per cent more than in 1900. In the six years the South's annual pig-iron production has increased by 896,000 tons, or 34 per cent; its coal production by 34,202,000 tons, or 69 per cent; the value of exports at its ports \$177,000,000, or 38 per cent, though it furnishes more merchandise for export than it handles through its own ports, and in that time its railroad mileage has increased by 11,441, or nearly 22 per cent, and the assessed value of its property by \$2,490,000,000, or nearly 48 per cent.

With all this money-making going on, it is not surprising that the South is spending millions of money for improvements of many kinds. Counties are building better roads, better bridges, and better school-houses. Municipalities are erecting modern public buildings, installing waterworks and sewerage systems, and using up-to-date methods and materials in improving streets. Railroad operations are double tracking their old lines and extending new ones, are building handsome passenger stations, increasing terminal facilities, and adding to rolling stock. Individuals are devoting their earnings to improving their homes in town or country, or in building new ones, in enlarging barns, in buying stock, farm implements and machinery, in installing fencing, and in adding to the machinery for manufacturing. These investments are likely to increase during the coming year and to keep pace with the increasing earning capacity of the South. They are some of the manifestations of a prosperity that is adding every day of the year about \$7,280,000 to the wealth of the South, and which has brought that wealth close to \$20,000,000,000.

Mr. BACON. Mr. President, I do not desire to further take the time of the Senate. I want to say simply that in the presentation of this matter I have been animated solely by the desire to preserve to the enjoyment of our people the benefits of the existing law. We have not sought in any manner and

I have not asked in any manner that there shall be any change as to contract labor; and I do not desire that there shall be any change as to contract labor, especially if we can have the advantage of the law as it now stands. These words were put here for a purpose. They are meaningless and the language was futile unless they have an enlarging influence upon the law as it now exists. The Senator from Massachusetts [Mr. LODGE] yesterday defended the change on the ground that the Massachusetts procedure was one which would be destructive of the contract-labor law, the conclusion to be drawn being unavoidable, that he desired this change in the law in order that there might hereafter be no opportunity for South Carolina or any other State to induce immigrants to come under the present law, and to shut the door against us of the South.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. The Senator quoted from the Washington Post of this morning in reference to the "big stick" in the White House making the threat of an executive session, and the "big stick" in New York telephoning to Senator CRANE orders about the river and harbor bill, and the little appropriations which South Carolina and Georgia have in that bill.

Mr. KEAN. "Little appropriations!"

Mr. TILLMAN. Well, there is mighty little for South Carolina; Georgia may have a whole ham of the beef, but we get a very small part in South Carolina this year.

In that same article I noticed that the Cabinet met at some time yesterday and discussed the conference report which we now have under consideration; and it was said that they had reached the conclusion that the changes to be made in the immigration law by the proposed legislation which we are discussing do not affect the decision of Secretary Straus. Perhaps the Senator from Massachusetts [Mr. LODGE], who is well informed as to what occurs at the White House, and on occasion telephones [laughter], could enlighten us as to whether the Cabinet did meet on yesterday and decide that question or not. [A pause.] I hope the Senator will either say "yes" or "no." [A pause.] Well, I have tried to get some enlightenment, but it seems I have failed. [Laughter.]

Mr. BACON. Mr. President—

Mr. DEPEW. Mr. President, the Senator from South Carolina [Mr. TILLMAN] said something about a communication, if the Senator will permit me—

Mr. BACON. With pleasure.

Mr. DEPEW. The Senator from South Carolina said something about a communication having been sent to somebody representing some kind of a big stick in New York to the Senators here in regard to the appropriations for Georgia and South Carolina in the river and harbor bill. I have not heard a single word from New York on that subject.

Mr. TILLMAN. Perhaps the Senator from New York did not read the Washington Post this morning.

Mr. DEPEW. Yes; I read the Washington Post this morning.

Mr. TILLMAN. And moreover, the Senator from New York must realize that there are other Senators who get communications from New York besides himself. [Laughter.]

Mr. BACON. I want to say to the Senator from New York [Mr. DEPEW] that if he understood me to say that the statement was that a communication had been sent by the Senator from New York he misunderstood me. I said the statement was that the communication had been sent from New York by a Senator, and I afterwards stated that it was the Senator from Rhode Island [Mr. ALDRICH], and that I only mentioned the fact to state that I was perfectly satisfied that it was an absolute untruth. I think, Mr. President, that it is very unfortunate that any such publication should be made. It was unauthorized; and the truth could have been very easily ascertained by making inquiry.

Mr. President, I have got a few words further to say, and I am glad that the Senator from Maine [Mr. HALE] is in his seat, as are also the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Massachusetts [Mr. LODGE] in their seats. I only wish that two or three other Senators, who have heretofore expressed themselves with so much vigor on the subject of the usurpation of power by conference committees, were also in their seats. I am satisfied, however, with the representation now before me, because from them we have heretofore had the most emphatic and unequivocal condemnation of any usurpation of such power by a conference committee as is assumed and exercised in this particular report.

Mr. President, the Senators whom I now see before me, whom I have named, have upon occasions when the most important measures were before the Senate expressed themselves in the

most drastic language to the effect that no gravity of a subject, no emergency of a situation, can justify a conference committee in assuming to report to the two Houses on a matter which is not in difference between the two Houses.

Language could not be found in the dictionary, if searched with a fine-tooth comb, to make it more emphatic than the Senators of whom I now speak have made it in the hearing of this Senate. The Senator from South Carolina [Mr. TILLMAN] on yesterday read from the RECORD the utterances of these Senators on that subject, and, Mr. President, I want to say that those Senators have never said anything on that subject which was too extreme to meet with my approval, because if that rule can be violated, if a conference committee can bring in and submit on a conference report to the Senate matter which is not included in the differences between the two Houses, there is no limit. They can do as they have done here. They can bring in a bill of forty-odd sections, and under the rule which governs the consideration of conference reports there is nothing which can be done but to reject that report in full or to accept it in full. In other words—

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. BACON. The Senator will pardon me for a moment. I am coming to specifics before I get through.

In other words, when a bill is presented by a conference committee in its report, something of paramount importance may be included in that bill—something which would control the action of the body—and there is no opportunity to amend or exclude other matter which the Senate would exclude if it had the opportunity to amend. Consequently it is an evil of the very first magnitude. For that reason I say that the Senators who have heretofore condemned this have not used language more extreme than I would approve of and could not use language more extreme than I would approve of. Why do I say that, Mr. President?

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. SPOONER. Does the Senator contend that the clause to which he has made such strenuous objection is within the rule?

Mr. BACON. I do not. I have not alluded to that. I have opposed that upon a different ground altogether. I think that was within the limit, provided there were differences on that general subject. I do not think the conference committees are limited to an absolute amendment or the exact amendment between the two Houses. They can report an amendment which shall reconcile the differences, and of course they need not follow either amendment for that purpose.

But what I call attention to, and which I hope I may have the attention of the Senator from Maine [Mr. HALE] to—because he is a very properly recognized authority on this subject, a Senator whose familiarity with it is unsurpassed by that of any other Senator, and a Senator who has most rigidly, unalterably, and immovably put himself in opposition to any usurpation by conference committees—is that here is a section that I say is a distinct violation of the rule as to conference committees. Section 42 is one which amends the act of 1882 with reference to the requirements of the carriage of passengers on shipboard—a matter which was not in the bill either of the Senate or of the House, a matter which was in no manner referred to or related to any single matter of difference between the two Houses.

But, Mr. President, it does not limit itself to the question of being related to something not in difference. There may be a criticism upon a committee of conference where it adds a section even if it relates to the same subject, and they would have no right to do it; but when they go outside to amend an existing statute on a different subject, what possible opportunity is there for a difference on the question as to whether or not the conference committee has violated the rule as to conference reports?

Mr. President, if that is so, how do we stand to-day? Here is a matter of great importance, a question of the settlement of the Japanese question on the Pacific coast, something that all of us want to have disposed of. Here is a method for the disposition proposed in the report of this conference committee, and at the same time, in order to do that, to adopt the conference report, it is necessary to violate in the most distinct possible manner this fundamental rule as to conference committees. Now are we face to face with the proposition that, wherever there is a matter of sufficient importance involved, we will violate this rule rather than take further time to secure the main end which is sought to be accomplished by a conference report, or are we going to adhere to the rule? It is a sacred rule, Mr. President, and the word "sacred" is not too strong a word when we recollect the indignation with which Senators have heretofore met

provisions in conference reports which were outside of the jurisdiction of the conferees. Senators have met them with an indignation which indicated that they regarded it as a sacred safeguard against improper legislation, and one under no circumstances to be violated.

If we accept this report—I care not what we may think about the merits of it—if we accept this report the most serious blow has been struck at the safety of the legislative body in regard to reports of conference committees that has ever been attempted since I have been in the Senate or that I have ever read about in any work on parliamentary law.

The Senator from Massachusetts, Mr. President, took the position two days ago that a conference committee was turned loose—and he used the word “unlimited”—was turned loose for an unlimited consideration of anything which related to the subject and to the formulation of amendments to be proposed to the Senate or to the House. Anything which related to the subject was within their jurisdiction, according to the Senator's contention, and he used the word “unlimited.” When I called his attention to the fact that he had used the word “unlimited,” he made no correction of it in his subsequent remarks.

Mr. President, even if we were to consent to such a construction as that, if we were to concede—which I would not for a moment—that a conference committee has jurisdiction as to anything within the limits of the subject-matter, that still would not cure all the trouble in this case, because this is as to matter outside of the limits.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do, with pleasure.

Mr. TILLMAN. Mr. President, if the Senator from Georgia will permit me in the line of what he has just been saying, I want to call the attention of the Senator from Maine [Mr. HALE] particularly, because he has been my guide, counselor, and friend, my mentor and adviser and exemplar, especially in this particular, and because I have great admiration—I am not speaking now in any persiflage or nonsense or mock compliment; I am saying honestly what has been the fact and is the fact now—I want to just give the Senator a little of his own utterances and his position six months ago. It is in reference to the conference report on the rate bill last June, when the conferees took the liberty of putting in two or three slight verbal amendments which were not in the bill as it passed either House, and therefore were out of order. Even putting in the words “sixty days” instead of “immediately,” in order to make the bill workable and enable the railroads to prepare their schedules so as to comply with the law—so necessary a provision as that was objected to. Senators will recall the fact that the conferees were harassed and bedeviled, if I may say that; certainly lectured and censured here for three whole days, especially by the two gentlemen on my right [Mr. HALE and Mr. LODGE], and I just want to give a brief quotation from that debate.

Mr. PATTERSON. While the rule is a good rule and should as a general proposition be enforced, I have no hesitation in maintaining in a case of this kind, and as to a bill of this character, that when the conferees meet for the purpose of discussing a matter and reaching an agreement, if they discover that there is something needed to make a measure effective as a whole, they have not only the power, but it is their duty to insert that, and then submit it both to the House and to the Senate.

Mr. HALE. But, Mr. President, does the Senator not see the far-reaching, dangerous, and disastrous results of his proposition? Legislation is matured here and in the House of Representatives. Conferees are not a legislative body. They are to confine themselves to disagreements between the two Houses and to report only as to those.

Mr. PATTERSON. I understand precisely.

Mr. HALE. But when the Senator says the conferees have a right, when they believe that in order to make a measure effective they may put in new propositions, he is transferring the legislative power, which ought to be confined to the two bodies, to a conference committee that is only appointed and constituted not to newly legislate, but to consider differences between the two Houses.

The Senator is not a radical Senator; he is a conservative Senator, and he ought to see the wide and far-reaching and dangerous proposition which he has made, that the conferees can take upon themselves the power of legislation that only inheres in the two bodies.

As I understand the Senator's attitude now, it is that we have need for a *modus vivendi* or easement or something to relieve the distressed conditions of the Californians in regard to their Japanese-exclusion policy, and in view of the necessity, we will say, of something being done, the Secretary of State prepared the amendment which is in the bill—so the papers say. The Senator from Massachusetts [Mr. LODGE] can correct me if I am in error, and if he remains silent I take it for granted that the newspapers are correct in this regard. The Secretary of State prepared the proviso in regard to the passports of certain persons who might be coming to the United States. Mind you, the Japanese school question had not arisen

until December, when it was called to the attention of the country by the President's message. The bill which we are discussing passed the Senate last May and passed the House last June, and the subject-matter of this proviso with regard to passports was not considered by either branch of Congress, and yet it has been inserted here.

The attitude of the Senator from Maine has been the same since I have been here whenever this matter has been under discussion. He can explain, if he sees fit, why he has changed front, why he yields to necessity, when we could just as easily provide for the passage of this proviso by a joint resolution in ten minutes by unanimous consent, as we did about the “sixty days” for the rate bill, and I have no doubt it would go through, so that when the conferees take upon themselves that dangerous power of legislating—six men assuming to do the work of ninety Senators and three hundred and eighty odd Representatives—if the Senator from Maine has suddenly changed from his rigid adherence to fundamental doctrine and principles governing our procedure here and can reconcile his expressed attitude, as I understand it, with his attitude six months ago that is for him to say, but I must confess, Mr. President, that I am woefully, woefully, woefully disappointed if the Senator from Maine does not continue to stand by his wise and proper decision last June instead of yielding to this emergency, we will say, and becoming an opportunist. I have never thought the Senator from Maine was that type of man.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. With very much pleasure.

Mr. HALE. If the Senator from South Carolina will let me in between one of his “woefullies”—

Mr. TILLMAN. Mr. President, I might get up another “woefully” after a while [laughter], especially if the Senator from Maine shall fall down and disappoint me so “woefully.”

Mr. HALE. The Senator has got another “woefully.”

Mr. TILLMAN. I will put in still another one if the Senator shall, as I say, become an opportunist.

Mr. HALE. The Senator has been firing away at me and has enjoyed it almost as much as I have.

Mr. TILLMAN. I have not enjoyed it at all.

Mr. HALE. The Senator assumes that I have changed my ground. I do not know what reason he has for that. I have not interfered in this discussion. I have not interfered on the side of the Senator from South Carolina and the Senator from Georgia because they are presenting their case very tersely and very briefly and are doing their best. They are doing admirably. There is no necessity why I should say that I agree with them, but the Senator has no right to say that I have changed my ground simply because I choose to sit in my seat and not take part in a debate which is so perfectly conducted upon both sides as the one that has been proceeding. Let the Senator wait to see what my attitude is in this matter.

Mr. BACON. Mr. President—

Mr. TILLMAN. If the Senator from Georgia will pardon me—

The VICE-PRESIDENT. Does the Senator from Georgia yield further to the Senator from South Carolina?

Mr. BACON. Yes, sir; I do.

Mr. TILLMAN. My interpretation of the attitude of the Senator from Maine lies in this, that no Senator is better informed of what is going on in this Chamber than he. He is thoroughly well informed as to every move that is made here on all important issues that arise, and the Senator from Maine has so often stood in his place and whenever this thing of the conferees exceeding their authority and inserting new matter has been attempted to be done he has always been so aggressive in maintaining the rule which he laid down in the quotation I have just read that I am “woefully”—I will repeat that offensive phrase again, without any intention to offend—I am woefully surprised and disappointed at the Senator's silence.

Mr. HALE. Now, does not the Senator see that so admirably are he and the Senator from Georgia presenting this case that it would only be carrying coals to Newcastle for me to say that I agree with them?

Mr. TILLMAN. It is not a question of agreeing with us. It is a question of the Senator from Maine voting and exerting his great influence to maintain to-day the attitude that he maintained last June.

Mr. HALE. Has the Senator been able to put any finger of his upon any vote that I have given on this question?

Mr. TILLMAN. No.

Mr. HALE. I did not know that it had come to a vote.

Mr. TILLMAN. We have not got to a vote yet.

Mr. HALE. It seems to me it is something for a Senator to

come in here when he is very busy with appropriation bills and sit and listen to the Senator from South Carolina and the Senator from Georgia, and he ought to be credited for that.

Mr. TILLMAN. The Senator has not done us the honor to listen, except this morning.

Mr. HALE. I have done that. I have sat here and listened for a long time, when important matters are calling me outside. But for the Senator to now declare—because I have not joined with him and have not indicated what my vote would be upon this matter—that I ought to thrust myself into this debate that is so well cared for already is absurd, and the Senator knows that he has not the right to do that. I do not need to say that he has not the technical right, but he has not the right to assume how anybody is going to vote on this matter. I do not know that I have changed my mind in the slightest degree, and he will find out before this matter is through whether I have or not; but I wish the Senator, instead of berating me in his remarks because I do not get up and join in this debate, would attend strictly to the subject-matter and not make himself so personal.

Mr. TILLMAN. Mr. President, I am sorry that I have given offense to my friend from Maine, but the Senator will recall that we have had some little private conference about this matter, and that I appealed to him to stand by his own attitude last June, and he has told me that he could not do that.

Mr. HALE. How does the Senator know that? He has not the right to say it. Moreover, Mr. President, it is not often done here, that Senators retail conversations that have taken place between them. I have never known that to be done much. There are certain things which are observed here in the Senate. We have little side talks. I may have said that this report might go through, but I have never committed myself to the Senator by saying that I was going to vote for it. He has no right, he has no business—and he knows it as well as I do—to refer here to an interlocutory talk between him and me. I shall never do that as to matters between him and me. If I did, I should get him in hot water every day.

Mr. TILLMAN. I had no purpose or desire to inject anything unpleasant into this debate. I was merely calling attention to a grave and serious matter of public moment and a grave and serious infraction of the unwritten law of the Senate, whatever may be the written law, that we should not inject into conference reports extraneous and new and entirely foreign matter, and have the conferees legislate, a thing which the Senator from Maine has condemned time and again; and I felt called upon to direct attention to the Senator's attitude last June.

Now he sees proper to lecture me because he says I am disclosing personal conversations. I do not usually betray personal confidences, and I had no conception that what we were discussing was private or secret, or that the Senator from Maine would talk to me in private one way and then do or say something in public another way. I have no such conception of that Senator's honor and honorable character.

Mr. HALE. The Senator from South Carolina grows more and more offensive. He has no right to intimate that I have said anything to him which commits me upon this proposition in any way as to how I shall vote when it finally comes up. I may have said this proposition would go through and would be a relief, and that I might not interpose myself in the matter by making myself busy, but I have never intimated to the Senator in any way, shape, or form what my attitude was to be upon this matter when it is finally brought up. When it does come up I shall vote as I always try to vote, in accordance with what I believe is the wisdom of legislation.

I do not forget my record of the past. The Senator need not busy himself by reading all that. That is not called for. I do not forget easily. I say to the Senator now that I have never intimated to him that in this matter I would change the attitude which I have always held about this matter of the right of conferees—never. If he says to the contrary, then he states what no conversation between him and me justifies his stating.

Mr. TILLMAN. I do not want any issue with the Senator from Maine in regard to veracity. I do not think it worth while to bring it to that issue, and I can only say that from what conversation I have had with the Senator, I understood that he would no longer occupy the position he occupied last June.

Mr. HALE. The Senator had no right whatever to assume that.

Mr. TILLMAN. Well, the question of my rights, Mr. President, must rest upon my understanding of what has taken place. I am sorry I mentioned anything of our private conversation, but as the Senator so positively denied any knowledge on my part as to his present attitude, I could not be bottled up in that

kind of a way or snuffed out when I knew we had talked about it, and that I had appealed to him, and I had reason to believe he would change his attitude by his vote, if nothing more.

Now the Senator will do as he pleases, of course. I can not do anything with him. I do not propose to try. I have no such desire. I am merely calling attention to the fact that there has been in the Senate on various occasions which I recall the issue raised as to whether conferees could do such and such a thing or whether they could not, and the Senator from Maine has always occupied a pronounced and aggressive attitude against the power of the conference committee to inject into its report anything that was new, that had not been considered by either House.

The Senator will not deny that that is his unbroken record, so far as I know; and as to what the Senator may do in this case he, of course, as I said, will do as he pleases. I have no purpose or intention of wounding that Senator's feelings or of doing anything to bring him into an attitude of inconsistency with himself. With his views of the wisdom and the necessity of a great issue, he will follow that course which seems to him best, and with that I shall not find fault. I simply contend that Senators here ought not to presume to hector one set of conferees, to lecture them, to call attention to these little lapses from custom and the rules in regard to conference reports, and the regular and proper thing to do in respect to them, and then six months later turn around and vote with another set who have done the very thing for which they lectured the first set. That is what I am complaining about.

My remarks, while I quoted the Senator from Maine, apply with equal force to other Senators here who have occupied that attitude, among them the Senator from Massachusetts [Mr. LODGE]. He says he was overruled, and that his view of the parliamentary status and rights was not sustained by the Senate, and that he bows to the will of the Senate as expressed by the Vice-President in his ruling with regard to conference reports—that we can not amend them; that we can not instruct the conferees; that all we can do is to reject the entire report regardless of what it may contain; that the point of order does not lie.

The Senator from Massachusetts called attention to a necessity, which I think other Senators will realize must exist here, that the rules of this body should be so shaped and such amendment should be had that when a conference report is brought in here and discovery is made that there are new things in it—extraneous matter, legislation by six men instead of by Congress—the point of order would lie and we would have the right to have the Vice-President declare whether this was new or not, and rule it out rather than be compelled to reject the whole report, and thereby kill, possibly, very important legislation.

That is what I am contending for now. If I have said anything to my friend that he thinks I ought to withdraw, if I can do so honorably I will do it.

Mr. HALE. The Senator has chosen his way, and I have nothing further to say.

Mr. TILLMAN. Then, Mr. President, I am satisfied.

Mr. BACON. Mr. President, I want to add only a few words. I desire to say for myself that in particularizing Senators it was for the purpose of citing them as authorities and with no view of visiting upon them any particular expression as to their attitude. I was emboldened to do this by the fact that Senators on the other side of the Chamber had yesterday said that they thought this bill was open to the objection of having introduced into it extraneous matter. It was a violation of the fundamental rule, and my sole purpose was to cite the very high authority of the Senators whom I took the liberty of naming, and in it I hope I did not trespass upon their sense of propriety.

I wish to call the attention of those Senators to the particular matter which I say in this bill violates the rule. This bill is a bill with reference to the exclusion of aliens. The bill as it passed the Senate had exclusive reference to the question of the admission or exclusion of immigrants. The bill as it passed the House was to the same effect. That went into the conference, and when the conference report is brought it assumes to amend the act of 1882, entitled "An act to regulate the carriage of passengers by sea," altogether an independent piece of legislation. While, of course, immigrants come by sea the act which is thus sought to be amended is not one which relates to immigration. The act is found in chapter 374, on page 186, of the Statutes, in the third volume, Forty-seventh Congress, 1881-1883, and is entitled "An act to regulate the carriage of passengers by sea."

This bill, on page 32 of the pamphlet before us, makes an amendment to the extent of a page of that act, which was not in any manner alluded to or touched upon in either the bill

that passed the Senate or the bill that passed the House, and, in order to show that it is not simply the making of regulations which shall affect immigrants and that it is specifically an act to amend the act of 1882, I call the attention of Senators to the fact that on page 33, in the next clause, there is an express reference made to the act of 1882, to save the conflict which might be between the two, showing that it was intended that it should be an amendment of the act of 1882.

Mr. President, I do not think that anything could justify an approval by the Senate of that act on the part of the conferees. I do not think, even if it would entail the practical defeat of the measure with reference to the Pacific coast, it would justify our direct and radical violation of this fundamental, vital, and important rule. But we do not stand confronted with any such necessity. As I have said repeatedly in this debate, the purpose sought to be effected with reference to the Pacific coast situation can be effected by a joint resolution, which can be passed through the Senate by a unanimous vote of the Senate, which shall embrace every detail as embraced in this bill relative to the Japanese situation on the Pacific coast, and it can become a law, and become a law speedily and promptly, by the unanimous vote of the Senate and, I presume, by the unanimous vote of the House. And we would still preserve inviolate our regard for and observance of this fundamental rule as to conference reports not bringing in matter here which was not in difference between the two Houses, and which in this case goes still further and relates to matters which were not within the subject of that which was within the purview of the bill of the Senate or the purview of the bill of the House.

Mr. CARTER. Will the Senator from Georgia, before resuming his seat, answer a question?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. BACON. With pleasure.

Mr. CARTER. During the long-continued debate yesterday afternoon it was frequently asserted by the Senator from Georgia [Mr. BACON] and also by the Senator from South Carolina [Mr. TILLMAN] that this conference report contained matter extraneous and not considered in either House of Congress in the original bill. Further still, I understood the contention to be that the subject-matter was not germane to the question upon which either House had legislated and upon which the conference was ordered.

I desire to know from the Senator if it is true that section 42, found on page 32 of the printed pamphlet (Document No. 318), is the only subject-matter to which his objection is directed.

Mr. BACON. The Senator from South Carolina [Mr. TILLMAN] had already made the same criticism upon the section which relates to the power of the President to exclude Japanese. I do not mean to say there is no other extraneous matter in the bill. On the contrary, there is. I will call attention to it. To the provision with reference to the exclusion of Japanese I did not raise any point, because while I thought there might be some room for argument on that question, I did not concede that there was the slightest room for legitimate argument as to the particular section which I have indicated to the Senate and which the Senator has just repeated. There is another one, if the Senator desires me to point it out.

Mr. CARTER. My purpose in propounding the interrogatory to the Senator is to bring an issue here upon the question whether this conference report actually contains subject-matter not germane to the question or not passed upon by either House of Congress.

I take it to be true that a conference committee has reasonable latitude in attempting to reconcile the disagreeing views of the two Houses, provided always that the conferees shall confine themselves to subject-matter germane to the legislation or the bill. The contention of those who raise this point of order has been, I believe, that this is entirely new matter, and that neither House of Congress has passed on the subject-matter, and that the subject-matter itself is not germane to the legislation being considered or confided to the conference committee, and, to the end that we may know the exact issues, I desire to have pointed out the particular portions of the bill to which these objections go.

Mr. BACON. If the Senator will pardon me, I think in addition to that there is also a violation of the rule governing conference committees to be found on page 31. I am very frank to say that this not so marked a violation as the one to be found on the succeeding page, 32, which is section 42. I regard section 42 as being as pronounced and marked a violation of the rule as it is practicable to find.

Mr. CARTER. To what portion of page 31 does the Senator refer?

Mr. BACON. I will read the part. On page 31, about the middle of the first paragraph, after the semicolon following the word "Congress," are these words:

And the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the emigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the emigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such emigration.

The ground upon which I base the criticism that that is a violation of the rule which governs and should govern conference committees is that there is not in either the Senate bill or the House bill the remotest reference to any such provision of law, and it is a most important and drastic and far-reaching provision, the limits of which it is very difficult for us to realize until it has been put in practical operation and we see what power is assumed to be exercised under it.

Mr. CARTER. I further ask the Senator if he considers the subject-matter last referred to as germane to the legislation under consideration or the questions confided to the conferees of the respective Houses?

Mr. BACON. I do not consider it within the questions confided to the conferees. I do not agree with the Senator from Massachusetts [Mr. LODGE] that when a bill has been put into conference the conferees are at liberty to frame any provision of law they may see so it relates to the subject-matter. I do not agree with that proposition, and my criticism on this is that it is distinctively without any provision relating in any manner to any part of either the Senate bill or the House bill and could not consequently have been in difference between the two Houses, because there is nothing in either bill about it.

Mr. CARTER. Do I then understand that the portion of section 39 referred to and section 42 constitute the only two portions of this report to which objection is raised on the question of order?

Mr. BACON. They are the only ones that I have suggested as being thus.

Mr. CARTER. That, I think, reduces the matter to a simple question as to whether or not the subject-matter comes within the rule.

Mr. LODGE. Mr. President, I am indebted to the Senator from Montana [Mr. CARTER] for bringing the points of order down finally to the exact provisions in the conference report to which Senators object.

There has been, I will not say a tacit assumption, but there has been a very vocal assumption by the Senator from Georgia [Mr. BACON] and the Senator from South Carolina [Mr. TILLMAN] that this is a pure usurpation, and that the conferees have gone beyond their powers. I should not have taken the floor again if I had not desired to dispel the idea, so far as I could, from the minds of the Senate, if any Senator has the idea, that the conferees admit for one moment that they have usurped powers or gone beyond the powers confided to them. The two conferees who signed the report with me, the chairman of the committee, the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Mississippi [Mr. McLAURIN], are two of the ablest and most conservative lawyers on this floor. They were both perfectly aware of exactly what we were doing.

Mr. President, I assert—and I shall try to demonstrate my position to the satisfaction of the Senate—that in the situation presented to the conferees we have not gone beyond our powers, either in contemplation of the Senate practice or of the House, where the rules are much more stringent than they are with us.

The Senator from South Carolina [Mr. TILLMAN] yesterday consumed a great deal of time in showing or trying to show that I have been guilty of inconsistency. Since I have been in Congress, in both branches, I have seen a great deal of time devoted to exhibiting individual inconsistencies, and it has always seemed to me a great waste of time. Individual inconsistencies are of very little importance. But I think I can demonstrate in this case that there is no such inconsistency as the Senator spoke of. In the first place, he confuses two distinct questions. One was on the ruling of the Chair as to points of order in the Senate under its rules and practice as to conference reports. The other point was as to the powers of conferees, and whether in this case, as a matter of fact, they had exceeded their powers.

As to the first point I argued here as well as I was able to do in favor of the House practice of a point of order lying against a conference report. The Chair overruled that position and was sustained in his ruling by the Senate, and I am convinced that under our rules and practice that decision of the Chair was correct. I am not now speaking of the policy or its expediency, but simply of what it is under our rules and practice. That being the case, of course I no longer argued against a settled decision of the Senate.

Now, as to the usurpation of powers by the conferees in this instance, this case is not on all fours at all with the case of the rate bill. That was a House bill with certain numbered amendments, excluding absolutely from the consideration of the conferees matters agreed upon by both Houses. In this case the House substituted for the bill of the Senate not only a new bill, but the entire immigration statute of the United States, with amendments of their own. They did not omit a single section. They even went so far as to change the title of the Senate bill. They preserved nothing but the enacting clause, and to that bill of theirs they added a number of sections which were not in the Senate bill at all.

Mr. President, in the judgment of the conferees, there being only one amendment, and that being a complete statute, that entire statute and the whole subject-matter of that statute were open to the conferees. I may say that very early in our conferences I thought it best to take the opinion of the Speaker of the other House as to the general powers of conferees in the conditions which then arose. I have no right to quote, and shall not, a private conversation, but on the parliamentary matter I think I am at liberty to say that the conferees, in their interpretation of the situation, did not go beyond the views and the opinion of the Speaker of the other House, who is recognized as one of the great parliamentarians of the country.

Now, take the three sections to which the Senators object as new matter. In the first place, dismiss the idea that this is a clause about the Japanese. No nation's name is mentioned in the statute, except in the repealing clause, which excepts from repeal the Chinese-exclusion statute. The proviso in regard to passports applies to all nations who issue passports to their subjects or citizens and who compel them to have passports to go to particular countries. It is a general provision relating to the exclusion of a certain class of immigrants under certain conditions. It is a mere extension of the section to which it is added.

As I take it and as I believe the best parliamentarians hold, the test of the powers of the conferees in a case where an entire statute has been substituted for the bill of one House is whether the subject-matter is germane to the general subject committed to the conferees.

Will anybody read the section which makes exceptions in regard to our neighbors in contiguous territory—we have named those countries and made a special exception in their case—and deny that it is legitimately within the power of the conference to add an additional section as to the admission of immigrants under certain conditions of passports which would enable them to enter the country? If we are confronted by a question as to the admission of aliens holding certain passports, it is just as legitimate to add them to that section as it is to strike out the clause which permits the Canadian and the Mexican to come in after one year's residence without paying a head tax, a privilege which is refused to all the rest of the world.

The international conference to which the Senator also made the point of order is an extension of a House section. The House bill contained what the Senate bill did not—provisions for the establishment of a commission to inquire into the whole subject of immigration, both at home and abroad. The work of the conference was practically merely to extend the power of that commission to enable them to make an agreement, if they could, with other countries so that other countries would recognize and aid us in enforcing the laws relating to immigrants into the United States.

Now, Mr. President, I come to the case of the air space, and on that I should like the attention of the Senate, because that is the clause to which most objection has been made. It is an amendment of what is commonly called "the navigation act," the act regulating the carrying of passengers. Every immigration bill that has been passed has modified our navigation acts. Always relating to immigrants, of course, we have demanded new forms of manifests. That was put in the last law. We have put in penalties relating to the clearance of vessels. I could read from the act, with its amendments, large and extensive changes in the navigation laws, all made in immigration acts because they related to the subject of immigration.

This question of the air space was debated in the Senate when

the bill passed. It was the general desire of the Senate that there should be abundant air space for the health of the immigrants, and at that time I can only say, speaking for myself, I supposed that the air space provided by the navigation laws was sufficient. It has become very evident in the last six months (the Department of Commerce and Labor has taken up the matter) that the air spaces are not sufficient. The amount of air space, the accommodation for immigrants coming to this country, is a direct matter connected with the well-being and the health of the immigrants who land on our shores. We require those immigrants to be in a certain physical and mental condition. We require them to be healthy. If not, they are liable to be sent back to the country from which they came, often at the cost of great suffering.

Mr. President, nothing is more important to those people arriving here in ships than that they should have quarters which will not stimulate or produce disease. There is nothing more absolutely essential to the health and well-being of the immigrants than the air space and the condition they are in on board the ship.

There are other regulations in regard to immigrants contained in the navigation acts and in the immigrant laws. I think we should have the right to deal with them. It was on that theory that the conference acted, that they had to take this matter apparently new, but which really related only to the immigration subject. Although it involved the amendment of another statute, it related only to the particular condition of the immigrants. They felt that with an entire statute before them it was legitimately within their scope.

I have not changed my mind as to the powers of conferees. I hold to the same view as the Senator from Maine, and the view that I myself expressed. I have not the least desire to put into the hands of conferees powers which do not belong to them. I believe that I am as jealous of the integrity of the powers of the Houses as any Senator can be.

My contention is that we have not exceeded our powers under the situation presented, the very unusual one of not only striking out an entire bill, but placing in the conference an entire statute relating to the care, the exclusion, and the admission of immigrants into the United States. The subject-matter being before us in that way, it seemed to me the true test was, Is the subject properly germane to the subject intrusted to the conferees?

In my judgment, Mr. President, the conferees had a right to make the addition with which fault is now found. I am informed to-day—and I venture to quote it that I may not be supposed to be advancing something which only a member of the conference would be supposed to hold—I am informed to-day that the man whom I consider, and whom I think all consider who have examined his books, to be the greatest parliamentary expert living as to the parliamentary law of the Congress of the United States, Mr. Hinds, clerk at the Speaker's table, pronounced both these amendments to be entirely germane and within the power of the conferees.

Mr. STONE. Mr. President, I do not wish to discuss the labor-contract feature of the bill further than to say that I think that practically every American is opposed to the admission to our shores of laborers who have made contracts in foreign countries to engage in employment in our domestic industries.

I do not know of anyone who favors any relaxation or modification of the restrictions upon that character of immigration. I think it is safe to say, and it ought to be, that every political party in this country is committed to the policy of restricting and to the policy of maintaining these restrictions against the introduction of foreign contract labor. It is almost as fixed a policy in American public opinion as the Monroe doctrine; it is universal.

That is all I care to say about that phase of the question which has so far occupied the Senate in this discussion. I do not care either, Mr. President, to discuss that other phase of the subject embraced in the conference report which relates especially to the Japanese further than to say that every proper effort ought to be made to adjust the differences that seem to exist between this country and Japan. I would regard it as a very great mistake if the Senate or the Congress failed to pass such legislation as might be necessary to bring a satisfactory adjustment of that situation.

Mr. President, there may be some question about the wisdom, and I have heard some question raised as to the constitutional power of Congress to pass a law confiding to an executive officer, though he be the President of the United States, the power reposed in and conferred upon him by the provisions of this bill. It is a matter of such grave consequence in preserving the peace between this nation and Japan, and our interests in

the Orient are such that every possible effort ought to be made within the bounds of reason and by the power of Congress to effect satisfactorily an adjustment and disposition of these differences. So much for that.

But, Mr. President, the particular question I arose, not to discuss, but to inquire about, relates to the provision which I find on page 17 of Senate Document No. 318, being the conference report.

I ask the attention for a moment of the Senator from Vermont [Mr. DILLINGHAM], who has the bill in charge. An amendment is proposed to section 2 of the present law, which I find, as I said, at the bottom of page 17 of this document. The amendment is in these words:

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

Under the law as it is and under some amendment inserted before the amendment I have read it would exclude "all idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis, a loathsome or dangerous contagious disease." Then comes the provision to which I have adverted, which is as follows:

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

And then follow other classes who are excluded, such as "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists," etc.

Mr. President, I do not know whether Senators have had the same experience, but I have received numerous protests against the clause to which I have called especial attention from citizens of Jewish extraction, not only from my own State, but from other States. These protests have come sometimes from Jewish organizations and sometimes from individuals. Within the last twenty-four hours I have received this telegram from New York:

NEW YORK, February 14, 1907.

Hon. W. J. STONE,
United States Senate, Washington, D. C.:

Important that right of appeal conferred by other sections of immigration law should be granted to review decisions of inspectors account of low vitality.

H. A. GUINZBURG.

I know this gentleman, Colonel Guinzburg.

Mr. GALLINGER. Is that "low vitality?"

Mr. STONE. Yes, sir. The low-vitality clause is the one to which I am trying to direct attention. Colonel Guinzburg formerly lived in St. Louis, and when I had the honor to be governor of my State he served on my staff, and I knew him well. He was very prominent in the social and business life of that city and a prominent Jew. I have just received a letter from New York, which I shall read also. Although I have received numerous protests of like kind from my own State, this having come within the last few hours, I am reading samples of others that I have had. This is from Mr. I. B. Kleinert, of New York, who is at the head of the I. B. Kleinert Rubber Company, one of the largest rubber manufacturing concerns in the East. He says:

NEW YORK, February 13, 1907.

Hon. WILLIAM J. STONE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: There is, according to the papers, a concerted attempt to restrict the immigration of the poor, unfortunate, persecuted Russian Jews. While the contemplated law does not say so in plain language, it does say so by inference. The same nefarious object was pursued in England. No one thought of it before the massacres occurred in Russia, but when the exodus began these measures were brought to light. It is useless to waste time writing on the unbounded injustice toward these unfortunates. The causes given are without foundation in fact. In Russia it is simply a hierarchical policy to prevent the liberal-mindedness and broad-principled tenets of these people to become known and perchance adopted by the ignorant hordes which sustain the hierarchical institutions. The Jew is shown to the multitudes to be a caricature after the laws had made him so. In liberal countries, while the people are still fed with the same nefarious pap of the infancy of humanity, with lies and calumnies about the Moslem people, yet where the laws are liberal the result is soon seen on them, inasmuch as they are citizens among citizens, comparatively free from the vices which make police and police courts a necessity. Look at the showing these people make in this country. No one, man for man, can conjure up superiority to them neither in citizenship nor in performance of a citizen's duties. The prejudice existing has its root in the ignorance of the true status. The features of the bill referred to which are vicious, positively vicious, is that a man is to be judge and jury at the port of embarkation

who is and who is not fitted to come to this country. Now, we must certainly keep our shores free from the vicious element, as also from paupers, but we must not discriminate against anyone who is willing to work and who will make himself or his children good American citizens. The Jew makes, above all, a good, law-abiding citizen, is always educated in some way, and very soon acquires our education and citizenship. Please put your interposition against the unjust clauses, so that the measure may emerge as a just and truly American measure, aiding the good and preventing the evil influence and influx.

Sincerely, yours,

I. B. KLEINERT.

Mr. President, having gone so far—and it is far enough to show the reason which induces me to take the matter up—I wish to ask the Senator from Vermont what the reason was for introducing this amendment; what evil exists that is not covered by the present law or which this provision is necessary to cure, or what the purpose of it is?

Mr. DILLINGHAM. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. STONE. I do.

Mr. DILLINGHAM. Mr. President, it should be remembered, and it will be remembered by those who listened to the debates last winter, that this bill was not intended so much as a restrictive measure as one that should provide for a better selection from those offering themselves as residents of the United States. The statistics show that the law of 1903 has operated very well indeed; that 82½ per cent of the aliens who have come into the United States during the period of five years have been between the ages of 14 and 44 years—just in the very prime of life—and that 12 per cent have been below 14 years of age, leaving only about 6 per cent above the age of 44 years.

The existing law provides that certain classes enumerated—and the enumerated classes have been very largely read by the Senator from Missouri—shall be excluded, and among them are paupers and those liable to come to want. In this 6 per cent, of which I have spoken, above 44 years of age are some in whom perhaps will not be found the specific diseases for which exclusion may be claimed; nevertheless they may be deficient mentally; they may be deficient physically, so that they are liable to become public charges and to swell the number that already fill the hospitals, particularly in the State of New York.

On page 44 of the document containing the conference report will be found the provision of the House bill containing the clause in relation to the excluded classes, and among them are those found "to be of a low vitality or poor physique such as would incapacitate them for such work."

The clause of the Senate bill is one which has been read, and in conference the Senate clause was adopted. It is the clause that was approved by this body a year ago when the matter was under consideration. The Senator from Missouri will see that it has been treated in such a way that it can do no injustice to anybody. The examination must be a medical examination.

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

Mr. STONE. Does that mean that the defect must be permanent or temporary?

Mr. DILLINGHAM. I do not know that I can make it any more clear than the language of the bill itself. The clause, I may say, was drawn with great care, was submitted to the officers having this matter in charge, was taken to the Department of Justice, submitted to the Assistant Attorney-General, who has charge of all the litigation growing out of immigration cases, and it was under his advice and with his aid, in order that no injustice might be done to any, that the language was adopted which has been incorporated in the report.

I do not think that the fear expressed by the writer of the letter from whom the Senator has read is any longer entertained by those representing that class. They objected to the language of the House bill; but, so far as I know, they do not have the same objection to the language of the Senate bill, which was adopted by the conferees.

I ought to say further, inasmuch as the writer of the letter which the Senator from Missouri has read supposes that there was an arbitrary examination at the port of embarkation, that such is not the case. The examination of the immigrant is made after he reaches our own shores and at our own station.

Mr. STONE. My only object in rising at all, Mr. President, was to call the attention of the Senators in charge of this measure to this objection. I am sure there is no purpose on the part of any Senator to discriminate against the Jews, for instance, who are the people who have been writing to me about the matter.

Mr. DILLINGHAM. I will say to the Senator that such a thought as that never entered into the mind of any person who had anything to do with the drafting of that clause.

Mr. STONE. Of course, I know it did not; but on account of the fear that was entertained I simply desired to call attention to it and to have an expression from the Senator that it was not intended by any possible consideration to affect those people.

Mr. CULBERSON. Mr. President, the point of order which has been made to certain paragraphs of this conference report presents one question, but the report itself presents an entirely different question. In my judgment, some of the paragraphs of the report are subject to the point of order made by several Senators, among them the Senator from South Carolina [Mr. TILLMAN] and the Senator from Georgia [Mr. BACON], and as they are, in my opinion, against the rules of the Senate, against orderly legislation by Congress, and subtract from the authority of the two Houses of Congress, I will, if an opportunity presents itself, vote to sustain the point of order.

That does not mean, Mr. President, that I will vote against the passage of such a law as is presented in this report. On the contrary, as I believe not only in the enforcement of the contract-labor law, but, if need be, would increase its efficiency, and inasmuch as I believe in the exclusion of Japanese coolies and laborers from the United States, whether entirely or to the extent proposed in this measure, I shall vote for this report disconnected from the point of order.

The Senator from Massachusetts [Mr. LODGE] a few moments ago suggested that the proposed legislation with reference to passports did not name the Japanese. That is true; but the Senator will not, I apprehend, deny that it was intended to meet the Japanese situation.

Mr. President, how does this Japanese situation arise, and what is there in it to cause apprehension and alarm? I take it that it results, first, from the fact that we own the Philippine Islands, and that somebody somewhere is afraid of a controversy which may ultimately involve that eastern situation. I take it that the Japanese situation arises, and it has become acute, furthermore, because the President of the United States, in his two messages to this Congress which dealt with the question, has seen proper to misstate the situation in California in the interest of the Japanese, so that those people, taking the case from the President himself, assert and claim that great injustice has been done to their countrymen on the Pacific coast on the school question. I will not stop to read at this time the messages of the President upon this subject; but I call the attention of the Senate to the fact that in each of these messages to Congress he has misstated the situation there to the effect that the Japanese had been denied the benefits of education, when the truth is, that they have only been denied the privilege of attending the same schools which the white children of California were attending.

Mr. President, what is the remedy proposed here for this situation by this bill which has been brought in by the conferees? I shall not read it again, but it appears on page 17 of the report of the conferees, and is to the effect that the President of the United States himself shall exclude laborers from other countries that come here under false pretenses, as it were, and that the exercise of that right shall rest in the discretion of the President alone.

Let us look at that a moment. I read from the Washington Herald of this morning a statement purporting to have been issued by Mayor Schmitz, of San Francisco. That statement is as follows:

We have come to a satisfactory understanding upon the assumption that Congress will pass the amendment to the immigration bill introduced February 13. Until this amendment is enacted into law we shall make no statement as to what the understanding is.

E. E. SCHMITZ,
Mayor of San Francisco, for the Board of Education.

In the Washington Post of this morning, what do we find?

Mayor Schmitz and the members of the San Francisco school board, having been assured by the President that this immigration report would be agreed to either at this session or at an extra session he would call, if this action were necessary, and the school board having been turned down by the Japanese Government on its proposition to establish a separate school for Japanese children, the California authorities now in Washington yesterday capitulated. They agreed to admit Japanese children into their public schools, believing that greater good will come from the exclusion of Japanese laborers and coolies.

I do not know, Mr. President, whether this statement is authoritative. If any Senator in this Chamber desires to correct it, I should be very glad to have him do so. What, then, is the situation, Mr. President? What is implied by these matters to which I have called attention? It is this: The President will have authority under this law to exclude Japanese laborers and coolies; he will hold the exercise of that authority in abeyance and over the heads of the California authorities, and will keep

out the laborers and coolies, provided the civil authorities of California will admit Japanese children indiscriminately to the public schools of San Francisco. Is that the understanding? Is that the meaning of this? Does any Senator from California or elsewhere deny that these facts are susceptible to this interpretation?

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from California?

Mr. CULBERSON. Certainly.

Mr. FLINT. Mr. President, I desire to say that, so far as I am concerned, I know of no agreement between the California delegation and the President in reference to the adjustment of the school matters of San Francisco. I have not been a party to any such agreement or attended any conference of the California delegation or members of the school board of San Francisco with the Secretary of State or the President of the United States.

Mr. PERKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from California?

Mr. CULBERSON. Certainly.

Mr. PERKINS. I think it is also incumbent upon me, Mr. President, to make the same assertion that has been made by my colleague [Mr. FLINT]. I know nothing whatever of any arrangement having been made, directly or impliedly, other than that which the Senator from Texas read or has quoted from the newspapers. While the truth is almost always in the newspapers, yet it is sometimes painted in Titian colors. It is highly colored, I think, in this instance; at any rate, I can say the truth has been embellished to a high degree.

Mr. CULBERSON. There is no statement, Mr. President, which I have read which says that any agreement or understanding has been entered into by the delegation in Congress from California. The statement is to the effect that an understanding has been reached between the President, the mayor, and the school authorities of San Francisco upon this subject, and the extent of the statements which have been made by the Senators from California is that they are not apprised of any such arrangement. Of course their statements are entirely acceptable and satisfactory to us all.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CULBERSON. Certainly.

Mr. BEVERIDGE. Does the Senator think that such an agreement as he details has been reached?

Mr. CULBERSON. I stated that the newspapers reported that such an agreement had been made.

Mr. BEVERIDGE. What is the Senator's opinion? He is making a speech upon that supposed agreement.

Mr. CULBERSON. I am not on as good terms with the President as is the Senator from Indiana, and of course I have not—

Mr. BEVERIDGE. That is the Senator's misfortune.

Mr. CULBERSON. I dare say; but that is a question of opinion also. [Laughter.]

Mr. BEVERIDGE. I should like the Senator's opinion, since he is making a speech upon it, as to whether he thinks such an agreement has been reached?

Mr. CULBERSON. Mr. President, I would not be surprised, in view of all the circumstances connected with this matter, if such an agreement as that has been reached.

Mr. BEVERIDGE. Now, Mr. President, assuming that such an agreement has been reached, and, as the Senator has said, that it affects California, and San Francisco particularly, since the city authorities of San Francisco are satisfied and the school authorities of San Francisco are satisfied and the Senators from California are satisfied and the President is satisfied, why should the Senator from Texas be dissatisfied?

Mr. CULBERSON. I am dissatisfied, Mr. President, if this kind of an agreement has been entered into, because the President of the United States and the majority in this Chamber intend that the people of California and San Francisco shall surrender their right to local self-government, or else Japanese coolies and laborers may be continued to be admitted into this country.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Indiana?

Mr. CULBERSON. Yes.

Mr. BEVERIDGE. Does the Senator from Texas think that he is a better guardian of the interests of San Francisco than are the city and school authorities of San Francisco themselves?

Mr. CULBERSON. I think, Mr. President, that there is no such whip held over me by the President of the United States as he holds over the citizenship of California with respect to this immigration.

Mr. BEVERIDGE. But would the Senator mind—

The VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Indiana?

Mr. CULBERSON. Yes.

Mr. BEVERIDGE. Would the Senator mind answering that question, since the Senator says that he thinks an agreement has been made by the authorities of San Francisco?

Mr. CULBERSON. I have said nothing of the kind. I have simply read from a newspaper, which states that an agreement of that character has been entered into, and I said that I would not be surprised, from all the circumstances, if it did state the truth.

Mr. BEVERIDGE. The Senator's entire speech is based upon the supposition that such an agreement has been reached. Now, I have twice asked the Senator—and I trust he will answer me so that the Senate may be informed—whether in his earnest defense of the rights of San Francisco and of California the Senator from Texas thinks he is a better guardian of those rights than are the authorities of San Francisco and California themselves?

Mr. CULBERSON. Mr. President, I express it as my belief that after this controversy is over it will be seen that the authorities of California and the school authorities of San Francisco will admit the Japanese to the public schools of that city indiscriminately, and that the President will enforce to a degree this authority to exclude Japanese coolies and laborers, and that thus, in all probability, subsequent events will develop the truth of this statement.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CULBERSON. Mr. President, of course I would be very glad to answer any question of the Senator from Indiana, but I only intended to speak a moment upon this question and not defer the vote longer than 4 o'clock, the original time suggested for taking the vote.

Mr. BEVERIDGE. I will not be persistent with the Senator. I will submit to the Senate and to the Senator that he has not yet answered my question. I was only going to repeat it, after venturing to recall the Senator from the realms of prophecy, which he has entered and in which he is always so engaging, and ask him to state to the Senate whether the Senator from Texas thinks he is a better guardian of the rights of the people of San Francisco than are the authorities of San Francisco themselves and of the rights of the people of California than are the Senators from California themselves?

Mr. CARMACK rose.

Mr. BEVERIDGE. Of course, if the Senator from Texas does not want to answer that question, I see the Senator from Tennessee [Mr. CARMACK] has risen—

Mr. CULBERSON. I would state to the Senator from Indiana that if I were less modest than I am and less modest than some I know, I would unquestionably express the opinion that I was a better judge of those things than are the people of California.

Mr. BEVERIDGE. Then, I take it, Mr. President, that the Senator is proceeding upon the assumption that the Senator from Texas is a better guardian of the rights of the people of California than are the Senators from California on this floor and of the people of San Francisco than are the authorities of the people of San Francisco.

Mr. CARMACK. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Tennessee?

Mr. CULBERSON. Certainly.

Mr. CARMACK. I just wanted to suggest to the Senator from Texas that the question of coercing a sovereign State into a surrender of its right to govern its internal and domestic affairs is a question that concerns every Senator in this body and every citizen of every State.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CULBERSON. Mr. President, of course if the Senator from Indiana—

Mr. BEVERIDGE. No; I will not interrupt the Senator further. I am going to venture to reply to the Senator from Tennessee merely by saying that the Senator from Tennessee is always vigilant and alert, and, I might almost say, militant to find a violation of the sovereign rights of the States all over the country all the time under this and every other Administra-

tion. [Laughter.] If there is one thing that the Senator from Tennessee is more careful of than another, it is to find the rights of the States being violated at every minute of every night of every day of every year, and, in his defense, I pay him the tribute of saying that he is always watchful, wakeful, and brave.

Mr. CARMACK. Mr. President, if the Senator from Texas will permit me—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Tennessee?

Mr. CULBERSON. Yes.

Mr. CARMACK. I will say if there is anything with respect to which the Senator from Indiana is more vigilant than any other, it is to find a chance to violate the Constitution. [Laughter.]

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CULBERSON. Mr. President—

Mr. BEVERIDGE. I hope the Senator will yield merely to let me say—

The VICE-PRESIDENT. Does the Senator from Texas yield?

Mr. CULBERSON. Of course.

Mr. BEVERIDGE. I merely hope the Senator will let me say, in answer to the more or less truthful observation of the Senator from Tennessee, that no matter how fell might be my purpose or that of any other Senator upon this floor, it never could be accomplished while the Senator from Tennessee was present. The Constitution, Mr. President, is absolutely safe so long as he is here. [Laughter.]

Mr. CARMACK. Then it will be a short-lived Constitution. [Laughter.]

Mr. CULBERSON. I have referred, Mr. President, to this question for the purpose of indicating that not only have the rules of this Chamber been violated, in my opinion, by bringing in such a report as this under the circumstances, but that it has been done for the purpose, not known perhaps to all, of compelling the people of California and of San Francisco to surrender their right under the Constitution to regulate their public schools. If not, Mr. President, why do they propose this indefinite discretion in the President of the United States? Why does the mayor of San Francisco insist that until this is adopted he will not state what the understanding is? If they want to exclude the Japanese, if they want to answer the demand of the people of California and the people of the other States of the Union to exclude Japanese coolies and laborers from coming in contact with the labor of this country, why do they not do it by express law? Why do they leave it merely to the discretion of the President, and allow him to stand there with this authority on his part, and on his part alone, to exclude them under such conditions as he may see proper to dictate?

Mr. President, yesterday, having this situation in view, I proposed in effect that the conference report should be recommitted and the conferees should be instructed to bring in an amendment excluding Japanese coolies and laborers from the United States absolutely and positively, and not leave it to the discretion of the President to do so, provided, as I believe, the understanding is that the people of California shall surrender their rights upon this local question.

Now, let me read the resolution I proposed yesterday:

Resolved, That the conferees on the part of the Senate on the bill S. 4403 be instructed to present to the conferees an amendment providing for the exclusion of Japanese laborers and coolies from the United States and their Territories and insular possessions and the District of Columbia, to be effective January 1, 1908.

Upon that I challenge those in charge of this bill and on the other side of the Chamber to vote upon the question. Do not get behind a point of order. Points of order are convenient or inconvenient in this Chamber as party purposes are to be subserved.

Mr. BEVERIDGE. I will suggest to the Senator from Texas that no point of order lies here.

Mr. CULBERSON. I was about to say that even the Senator from Indiana can be mistaken.

Mr. BEVERIDGE. Of course the Senator could not expect the Senator from Indiana to admit that, but upon this particular point the Senator from Texas will have to admit that he is in error, since a point of order does not lie upon a conference report.

Mr. CULBERSON. I am very glad to hear the Senator from Indiana say, contrary to the opinion of the Senator from Massachusetts, that a point of order against this resolution which I have proposed will not lie, and I am satisfied the distinguished occupant of the chair, from the same State, will concur in so just a ruling.

Mr. BEVERIDGE. The point of order about which I was talking was the Senator's suggested point of order against the conference report. I did not know anything about his resolution. The Senator from Texas has so many resolutions here all the time that I could not possibly be supposed to expect that this was the particular one he had in mind.

Mr. CULBERSON. The Senator from Texas has introduced a good many resolutions, but they have always brought forth fruit.

Mr. BEVERIDGE. Splendid resolutions, Mr. President.

Mr. CULBERSON. What I desired to say was that I hoped the Senator from Massachusetts would withdraw his point of order as to this resolution, and let us have a direct vote of the Senate upon the proposition whether or not Japanese laborers and coolies should be excluded from the United States, so that the people of San Francisco and of the entire State of California might be allowed to exercise their sovereign rights as to their schools without coercion on the part of the President.

Mr. CLARK of Montana. Mr. President, it is not my purpose to take up the time of the Senate in any general discussion of this bill or the point of order raised on the several propositions. The points in the bill which are objectionable to some of the southern Senators have been ably presented, and I am in accord with their views upon those matters. But, Mr. President, I will direct the few words that I intend to say—and I do not purpose to detain the Senate long—to the provision found on page 17, which I will not read, as it has been already read several times to-day. It is the one to which the distinguished Senator from Texas [Mr. CULBERSON] has just alluded.

Mr. President, upon a careful examination of this clause I confess—and it may be possible that my mental machinery is not capable of grasping the subject presented—that I can not understand the scope and the purpose of the provision. I presume, in view of what has been said, that it is a proposition relating to the exclusion of certain undesirable Asiatic people from our shores. It appears to me that a question of such import, a question involving the rights and welfare of several million people in the western part of this continent, should have some kind of affirmative legislation, instead of the indirect, vague, uncertain, and inexplicable clause which has been hastily inserted in this bill.

We had pending during the last session of Congress the rate bill, which was discussed here during several months. It elicited the greatest and ablest debates, or amongst the greatest, ever heard in this Chamber. It was only after months of careful investigation and discussion that a conclusion was arrived at. We have now here a question, Mr. President, which, so far as it concerns the area in the western part of the country which may be affected by the provisions contained in the pending bill, is of more significance and of more importance than the rate bill as applied to that same territory. And yet we are to consider and pass upon a question of such immense importance, couched in such language that it is difficult to understand, and without any chance, except in a few hours, to discuss it, and we are called upon to pass it blindly, simply to help the President out of a dilemma.

I suppose that this clause grew out of the fact that there has been some difference of opinion between the Chief Executive and the citizens of San Francisco on the question of excluding Japanese pupils from their schools, a case in which, in my opinion, as has been ably contended, the President has largely exceeded his authority. If this be true and the people of Oregon and California are content with the provision of this bill, as their States will receive the first impact of the Asiatic hordes which may attempt to flood our shores, we, perhaps, of the intermountain States, who live away from the coast, might be supposed to rest content. But I want to say, Mr. President, that there are several hundred thousand citizens of this country adjacent to the Pacific coast States—and I speak only for the State which I have the honor in part to represent here—who, notwithstanding the decision of the representatives from California, will not be satisfied with this flimsy subterfuge. The question of Asiatic immigration affects all of the western part of the United States. We have a large Chinese and Japanese population now in that part of the country, and the great labor organizations whose members are occupied in mining and other industrial pursuits which are the basis of prosperity in all that vast region are a unit against the further immigration of Asiatics into this country, and the people generally support them in that contention.

Mr. President, we find here a provision that when the President of the United States shall be satisfied that the purpose of the people to whom passports have been issued to go to the insular possessions of the United States or to the Canal Zone is to enter the United States ultimately to the "detriment of

the interests of labor," he may refuse to admit them. Now, we know that the President of the United States recently in a communication to the Congress expressed himself in the broadest and most liberal terms concerning the influx of Japanese into this country, and went so far as to recommend that they be allowed full privileges of citizenship. Is it probable that a Chief Executive who entertains such favorable impressions of the Japanese people is going to exercise the discretion set forth in this provision in favor of the labor interests of the country which it is supposed to be intended to protect?

It is, in my opinion, clothing one man with too much power. It is giving him the authority to legislate, as has been ably stated by the Senator from Idaho [Mr. DUBOIS]. Now let us look a little further into this proposition. The President may refuse to admit these people if he believes that their admission is to "the detriment of labor conditions." Who is to judge whether or not the admission of 10,000, 50,000, perhaps 100,000 Asiatics into this country might be detrimental to the labor interests? The President alone can determine that matter. As I said, it is a question of such far-reaching results that we ought not to rely upon the judgment and discretion of any one man, even though he occupy the exalted position of President of the United States. I do not know whether or not, in the absence of a treaty with Japan, the President will be warranted in exercising the discretion which this provision confers upon him with regard to subjects of Japan and other countries who might go to the insular possessions or the Canal Zone. It might be that the exercise of such discretion might involve us in trouble with that nation. I am confident that we have no treaty with Japan which would allow the President the power to exclude Japanese subjects from entering our ports if they should come directly from Japan to the United States.

Now, it seems to me, to make this provision consistent and complete—I should not say complete, because, in my opinion, nothing could be added to it that would make it complete—that it should go further and say that the President of the United States, when he believes that laborers or coolies coming directly from Japan into the United States, to the detriment of the labor interests, should have the power to refuse them entrance. Why was not such a provision as this included? Is it because the temporary residence of these people in Hawaii or the Philippine Islands or the Canal Zone might so demoralize them as to render them unfit to dwell amongst us? In my judgment, if these people who come around Robin Hood's barn to get into the United States should be excluded, the President should likewise be clothed with power to exclude those who come directly from Japan to this country. But it seems the friends of the Administration are afraid to take such a bold stand and have concluded to work by a plan of circumvention and indirection.

This whole proposition, in my mind, is ill advised, crude, and vague, and will accomplish nothing, and it is unworthy of being framed into an important immigration bill like this. It is one of those exclusion propositions which does not exclude, and never will exclude, undesirable people; and if our friends in California believe that it will meet their requirements and solve the difficulties concerning which they were recently up in arms, in my opinion, their hopes will hang by a slender thread.

Mr. President, I shall content myself with simply making this further statement, that, in my opinion, it is due to the people of the Pacific coast and of the great States of the entire West that the influx of hordes of coolies, whether they come from China or Japan or any other country, should be absolutely prohibited by a well-considered act of Congress, and that we should not attempt to deal with the question by such a proposition as this, which no one can completely comprehend and which will be barren of important results.

Mr. PATTERSON. Mr. President, in the last hour I received a couple of dispatches that relate to the proviso which the Senator from Montana [Mr. CLARK] has just been discussing, and I think it my duty to lay them before the Senate. I ask that they be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DENVER, COLO., February 16, 1907.

Hon. T. M. PATTERSON, M. C.,
Washington, D. C.:

We trust that Japanese labor will not be permitted entrance, but certainly not limited to Porto Rico, Hawaii, and the Philippines. If it must come, the mainland should be included.

C. S. MOREY.

HOLLY, COLO., February 16, 1907.

Hon. T. M. PATTERSON,
Senator from Colorado,
Washington, D. C.:

Clause in immigration bill before Senate allowing Japanese entry to Porto Rico, Hawaii, and Philippines, giving President power to restrict

them from mainland, very much against beet-sugar interests, as it gives cane-sugar countries cheap labor we need so much here. Please have clause modified so that we may have benefit of this cheap labor. The adoption of this clause as now formulated means very serious handicap to beet sugar.

W. M. WILEY,
Vice-President, The Holly Sugar Company.

Mr. PATTERSON. Mr. President, these dispatches show how easy it is for those who do not follow closely the proceedings in Congress to be mistaken as to the scope and meaning of measures before the two Houses. The theory upon which those dispatches were sent is that under this bill Japanese are to be excluded from the mainland and to be permitted to enter, without limit, Hawaii, the Philippine Islands, and our other insular possessions.

The point that was made by the Senator from Montana [Mr. CLARK] shows clearly that there is nothing at all in the proviso which excludes them from the mainland. In other words, so far as the proviso itself is concerned, if that were all there is that will operate upon immigration, the Japanese can come to this country directly from Japan as freely as they choose. I suppose the failure to provide for excluding Japanese who come directly from Japan to the United States is upon the theory that the Japanese will not be permitted to come directly to the mainland by the Japanese Government. I have understood—and whether my understanding of the thing is accurate I can not say—that Japanese are not allowed to leave the home country except upon passports, and that it is the policy of the Japanese Government to give no passports to its labor or cool subjects to come to the United States. If that is the case, we can very well understand why there is no provision in this proviso that will exclude Japanese who come directly from the home country. But it must be clear to the most careless thinker that it is only necessary for the Japanese Government to change this policy, if that is its policy, so as to open its gates, and so many as please will pass through them and enter the United States directly from Japan.

Mr. RAYNER. Will the Senator from Colorado permit me?

Mr. PATTERSON. Certainly.

Mr. RAYNER. I merely want to say to the Senator from Colorado that so far as my knowledge goes there is no law of Japan upon the subject. It is merely a custom and usage. It can be changed at any time. There is no law which prohibits the Japanese from leaving Japan without a passport.

Mr. PATTERSON. It is simply a custom?

Mr. RAYNER. A custom which may be changed at any time.

Mr. PATTERSON. Oh, yes; I only mentioned that fact for the purpose of making a statement with reference to this proviso. If that is the only legislation, whether in the nature of acts of Congress or treaties, in which the Senate would play its part, that is to be had upon the subject, then I would vote against this proviso, and therefore against the entire conference report, because the proposed legislation would be wholly inadequate to accomplish the end that not only the Pacific coast seeks, but that all of the midwestern States have in view, and particularly the States in which mining is carried on to any very great extent.

The Japanese question has already become a burning one in Colorado, and the labor organizations of that State have commenced to take action upon it and to speak without reserve their opposition to Japanese immigration. Only yesterday I clipped this from a Colorado paper:

FIVE HUNDRED ADDED TO JAP COLONY AT PUEBLO IN TWO WEEKS—THIS NUMBER JOINS THE 1,100 ALREADY EMPLOYED BY THE C. F. AND I. COMPANY.

The Japanese invasion of Colorado is no fallacy. At the meeting of the Trades Assembly yesterday it was reported that within the past two weeks 500 Japs have arrived at Pueblo to augment the 1,100 already there. The latter number are employed by one concern alone, the Colorado Fuel and Iron Company.

I have been aware for a year or more that this company, the Colorado Fuel and Iron Company, a large steel manufacturing company in Colorado, has been engaged in replacing a large number of its white workingmen with Japanese. I suppose they do so because they find it profitable. It may be both in the quality of the labor and the wages paid; although I understand that up to this time no discrimination between the Caucasian and the Asiatic has been made by this company in the compensation paid for labor. But it shows that this Mongolian invasion, which commenced nearly half a century ago on the Pacific coast, and which was stopped and turned back, has commenced again from another country, and that Colorado, like all the other mountain States where labor is heavily employed, has already commenced seriously to feel the effect of this invasion.

I recall that in going from Denver to Grand Lake a year ago I crossed a spur railroad then being constructed upon which a large number of Japanese were working in the grading outfit.

I was told that there was one group in the neighborhood of 130 strong. Since then from many parts of the State have come reports of the certain, the quick, but silent invasion of the labor ranks of Colorado by Japanese cool laborers.

Mr. President, I intend, so far as I am concerned, to vote for this proviso, but I do it upon the theory that it is simply a tentative proposition. It is intended merely to stay the unrest, the clamor, the dissatisfaction that has manifested itself, commencing on the Pacific coast and extending eastwardly from there, a dissatisfaction that is made known in no uncertain ways and in a voice that has at last reached the capital of the nation.

The proposed legislation as a permanent proposition would not be worth the paper upon which it is written. In the first place, direct immigration is in no wise provided against. In the next place, I take it, under the very language of the proviso, if Japanese subjects should receive passports in good faith to go to some other country, say to go from Japan to the Hawaiian or the Philippine islands, and they did not at the time they received the passports entertain a fraudulent purpose to use them to get away from Japan to enter the United States, then we could not deny them admission should they subsequently come here. To do so would be a casus belli, for, Mr. President, I can imagine no greater affront to a high-spirited country than to deny admission to its subjects into a country to which, either under treaty or legislation, they had a right to come. Arbitrary or unjust exercise of a power in the Executive of one nation to exclude the subjects of another nation would justly cause grave dissatisfaction, and with most nations it would result in war.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. PATTERSON. With pleasure.

Mr. MALLORY. I should like to inquire of the Senator if he understands the proviso to mean that when the President discovers certain fraudulent entries into this country have been made by means of passports, he can issue an edict or an order prohibiting the ingress into this country of all subjects of the country that issues such passports, or does he construe it to be confined to the individual case of fraudulent ingress or entry?

Mr. PATTERSON. To my mind the language clearly limits the hostile operation of the President to those who fraudulently use passports.

Mr. MALLORY. Only to individual cases?

Mr. PATTERSON. Only to individual cases; and it does not empower the President to issue a general order prohibiting, say, in the case of Japan, all Japanese from coming into this country in the event we find that passports are generally abused.

The persons against whom the Executive is to direct his order are specifically named; they are "such" persons—that is, those foreigners who have secured passports from their home government fraudulently, intending to use them to gain entrance into this country. Against "such," and such only, the edict of the President may be issued excluding them from our country.

Mr. President, if this is to be the full measure of relief the Western States are to receive, whether through a treaty or legislative action, I can see in the future a stormy time either between the citizens of our own country or between this country and a foreign country.

There can be no doubt as to what the people of the West will demand. I do not confine my designation to the Pacific coast. I extend it to the people, especially to the laboring people, of the West, the mechanics and workmen of every class and degree in the West. There can be no doubt as to what the people will demand. It will be the exclusion of Japanese laborers and coolies from the United States and its colonies. That and nothing less. If they demand that, and the President shall execute this provision in the spirit of that demand, then offense will inevitably be given to the countries whose passports are challenged and whose citizens are excluded, because it must be, and it is undeniable from the careful wording of this provision, that it is neither the intention nor expectation of the Executive of the United States to use drastic measures to exclude the subjects of Asiatic governments from our shores. That is shown from the very nature of the authority that is given. It is all to depend upon the judgment of the Executive, first, as to whether passports to other countries or to our insular possessions were originally obtained to gain entrance into this country. It is the mind of the President that is to be satisfied upon that subject. Then, in addition to that, the mind of the President must be satisfied that the entry even of the interdicted classes will be detrimental to the labor of the country.

If this proposed law is administered in that spirit, if the executive department should use its discretion generously and admit any considerable number of the proscribed people, then,

Mr. President, there is disturbance, unrest, and dissatisfaction at home that must inevitably lead to trouble and discord with other nations.

If this law is executed in the spirit in which the working people of the West expect exclusion laws to be administered, then the President must, in my opinion, go outside and beyond the language of the proviso and enforce exclusion in such a way as to properly incense the governments whose subjects become the objects of our Executive's action. In other words, under it we are certain to have either grave and serious trouble at home or serious trouble with foreign nations.

The only excuse, Mr. President, for legislation of this character and upon a great subject like this is that it bridges over a troublesome time; that it will make easy negotiations which will accomplish the aims of the western people, and that there is a fair promise that the President will be untiring and unceasing in his efforts to secure by treaty the kind of exclusion that is needed, and if the President should be unable to secure that character of exclusion, then that Congress will not fail to come up to the full measure of its duty to the working people of the country.

Mr. President, upon the theory that this legislation is tentative or experimental in its character, upon the theory that the Executive and Congress are confronted with a crisis that demands palliation at the present time, upon the theory that this will tend measurably even to satisfy the dissatisfied elements of the western part of the country, and further, upon the theory that either the President or Congress or both will be prompt and earnest and energetic in securing the only kind of legislation that will satisfy the section of the country which is so deeply interested in the class of immigration that reaches our western shores, I shall support this measure.

The East is not disturbed. This undesirable population by the time it has been sifted through the thousands of miles of territory between the Pacific Ocean and the Atlantic, by the time it has been absorbed here and there in the numerous industries that stand ready to employ cheap or sufficient labor, by the time those needs have been filled only a scattering few will be left to reach the East, and that few will be there accepted as an advantage rather than be regarded as a menace.

But the people of the West have cause of complaint, and they will continue to have cause of complaint until this new threatened invasion has been arrested and a check put upon it as effective in every respect as were the exclusion laws of forty years ago that were particularly directed against the population of the Chinese Empire.

Mr. CARMACK. Just a word, Mr. President.

I thoroughly agree with what the Senator from Texas [Mr. CULBERSON] said in his criticism of the provision in this report giving the President the power and discretion in the exclusion of citizens of foreign countries. I agree with him as to the significance and the purpose of that provision.

I believe, Mr. President, speaking in plain words, the fact is that a foreign power has browbeaten the Government of the United States and it has browbeaten a sovereign State of this Union into a surrender of its rights to control its own affairs. The attitude of this Government toward California has been harsh and turbulent and offensive to the last degree. Its attitude toward Japan has been cringing, obsequious, and almost pusillanimous.

One of the President's favorite aphorisms has been to speak softly and carry a big stick. He seems to have interpreted that in this instance so as to speak softly to foreign nations and carry a big stick for the backs of his own people.

I object to this provision, Mr. President, because I believe that it will arm the Executive—and it is intended to arm the Executive—with a power to coerce the people of a sovereign State into a surrender of a right to control their own affairs, and that this is being done upon the demand of a nation made without a shadow of reason, without a shadow of right, without a shadow of foundation based upon any treaty stipulation or the Constitution of the United States.

Mr. NEWLANDS. Mr. President, I believe that the President of the United States has created the difficulty which he now seeks to remedy. Had he, in the first instance, met the demand of Japan with the insistence that the domestic affairs of the State of California were outside of the control of the President of the United States, and had he sought to insure lasting friendship between the two countries by urging a treaty that would prevent economic friction upon her own soil caused by the juxtaposition of two laboring classes differing essentially in their standards of life and their standard of wages; had he stood firmly for this, I believe there would have been no danger of the enmity of Japan.

The people of the United States have nothing but admiration

for Japan and for the people of Japan. The people of the Pacific coast have nothing but admiration for Japan and the people of Japan. But the people of the United States and the people of the Pacific coast are determined that there shall be no increase of race complications upon American soil, and they know that the best way of cementing forever the friendship between Japan and the United States is to prevent a race conflict by refusing to bring in juxtaposition the workmen of both races, differing as they do in their standards of life and of wages.

Instead of that the President of the United States arraigned the sentiment of the Pacific coast, arraigned the local authorities there for exercising the power which was theirs as a local sovereignty, and added fuel to the flame by insisting upon it that the Japanese people should not only be permitted to come here practically without restriction, but that they should be admitted to citizenship in the United States. He has thus created a movement upon the Pacific coast that will not rest until it ends in Japanese exclusion.

Mr. President, Japan has reason to complain of the United States, but not in the particulars to which the President has called attention. Within the past eight or ten years we have intruded our sovereignty into the Orient and taken possession of numerous islands there adjacent to Japan. Japan is a great maritime power, the carrier nation of the Orient, with ships floating upon every sea, with a splendid navy and a splendid merchant marine, and by reason of her nearness to those islands and her foresight and energy entitled to her accustomed share of the carrying business. What have we done?

We have extended our navigation laws to the Philippine Islands, though we have delayed temporarily their operation. For what purpose? To drive out the carrying trade of Japan and other nations from their accustomed fields and to monopolize the carriage of the Philippine Islands as well as that between the islands and the United States for American ships, imposing upon the Filipinos and upon their trade the extra burden of increased cost in ships and administration, and at the same time aiming a blow at Japan's operations in her legitimate field.

This Administration is to-day, under the misleading name of "reciprocity," urging the maintenance of a tariff wall in the Philippines against the products of all nations except our own. Those islands have to-day a fair revenue tariff imposed equally upon the products of all countries, including our own, and it is sought now by this Administration to catch an underhold, to maintain the tariff wall or raise it as to these other countries, Japan included, and to level it to the ground so far as our own products are concerned. It is the very purpose of this measure by preferences given to ourselves to take away from Japan and other nations the opportunity to manufacture for and to trade with the Philippine Islands and to monopolize for American manufacturers and producers the trade of these islands. Those islands are in the Orient, at Japan's very door, within the field of her rightful operations.

While claiming preferences for ourselves in the Philippines, we deny Japan's right to preferences in Manchuria and Korea. This Administration is insisting upon the open door in Manchuria and Korea and proposing to close it in the Philippines. We insist that Japan, occupying toward Manchuria and Korea practically the same relation that we have toward the Philippine Islands—those of protection—should open the door of trade to us, and yet at the same time we are proposing to close the door on Japan in the Philippines.

These are possible causes of friction between Japan and this country, which are likely to increase in the future, which we should avoid, because we are wrong in our contentions. But we are not wrong in our contention that whilst we wish to maintain friendship with Japan we can not establish such relations of free immigration and intercourse of our people as to produce disturbance, economic revolution, and race conflict at home. We have the right to state that calmly and frankly to Japan. Whilst we insist upon this as involving no breach of international friendship, we should take care not to give cause of enmity between the two countries by economic changes in the Philippines, which will be sure to arouse the enmity and hostility of Japan.

I do not intend, Mr. President, to enlarge upon the difficulties of the situation, though a vast field of discussion is opened as to the future regarding the relations between Japan and this country, particularly if we retain our possessions in the Orient. Friendship with Japan, if we retain them, is essential, and we never shall be able to retain them if Japan says "No." We shall not be able to retain them, because they are 7,000 miles away from our base of operations. We shall not be able to retain them, because to fortify them would involve a greater expenditure than would be involved in the fortification of the

entire coast of the United States. We shall not be able to retain them, because our transports, carrying our men there to defend them, will be cut down in midocean.

I suggest to the President of the United States, if a suggestion can reach him from this Chamber, that he address himself to the real cause of future trouble between Japan and this country, and while seeking to remedy that, that he also give Japan some idea of the Government of this country, its dual government—the government of the nation and the government of the State, each supreme within its jurisdiction—and that he impress upon that nation—and I have no doubt that the suggestion will be received with hospitality—that the best way of preserving international friendship is to prevent economic warfare, the conflict of dissimilar standards of labor on the same soil.

Mr. MALLORY. Mr. President, I shall detain the Senate for but a moment. I shall vote for this measure, although I dislike the manner in which it has been brought into this body, whereby we have been prevented from offering such amendments as we think appropriate and proper, and notwithstanding the fact that this proviso, which has excited so much discussion, is, in my judgment, ambiguous and is practically, if it is intended for the purpose which is assigned to it here, a Dead Sea apple—

* * * that tempts the eye,
But turns to ashes on the lips—

of the people whom it is intended to benefit.

I do not think, Mr. President, that under this proviso anything like the relief from the menace which is threatening the Pacific coast will be accomplished. However, the Pacific coast has its own representatives here, and for the present, at least, this question is confined to the area represented by a certain number of Senators, and inasmuch as they have made no protest against this, I do not feel called upon to obtrude my objections to this particular feature of the bill.

I hope, Mr. President, that the amendment proposed by the Senator from Texas [Mr. CULBERSON] will be submitted to the Senate, and that we shall be allowed to put on record our views regarding that proposed feature of the bill.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts insist on his point of order against the resolution offered by the Senator from Texas [Mr. CULBERSON]?

Mr. LODGE. I do, Mr. President.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CARMACK. Mr. President, I appeal from the ruling of the Chair.

The VICE-PRESIDENT. The Senator from Tennessee appeals from the decision of the Chair.

Mr. LODGE. Mr. President, I move to lay the appeal on the table.

The VICE-PRESIDENT. The Senator from Massachusetts moves to lay the appeal of the Senator from Tennessee on the table.

Mr. CULBERSON. On that we demand the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. BACON. Mr. President, I rise to a parliamentary inquiry. I request that the Chair again state, or have stated from the desk, the point of order which was made by the Senator from Massachusetts [Mr. LODGE] against the resolution of the Senator from Texas [Mr. CULBERSON].

The VICE-PRESIDENT. The Secretary will read the resolution offered by the Senator from Texas [Mr. CULBERSON].

The Secretary read as follows:

Resolved, That the conferees on the part of the Senate on the bill S. 4403 be instructed to present to the conferees an amendment providing for the exclusion of Japanese laborers and coolies from the United States and their Territories and insular possessions and the District of Columbia, to be effective January 1, 1908.

The VICE-PRESIDENT. The Senator from Massachusetts [Mr. LODGE] made the point of order that nothing can take precedence of the question of concurrence in the conference report. The Chair sustains the point of order. The Senator from Tennessee [Mr. CARMACK] appeals from the decision of the Chair, and the Senator from Massachusetts moves to lay the appeal on the table, on which motion the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "yea;" but as he is not present, I withhold my vote.

Mr. McCUMBER (when his name was called). I have a

general pair with the junior Senator from Louisiana [Mr. FOSTER]. That Senator not being present, I will withhold my vote. If he were present, I should vote "yea."

Mr. TALIAFERRO. I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I would vote "nay."

The roll call was concluded.

Mr. McCUMBER. I transfer my pair with the junior Senator from Louisiana [Mr. FOSTER] to the junior Senator from New Jersey [Mr. DRYDEN] and will vote. I vote "yea."

Mr. PATTERSON. I wish to announce that my colleague [Mr. TELLER] is, I understand, paired with the Senator from Delaware [Mr. DU PONT]. I desire to say that my colleague is still unwell and unable to attend the sessions of the Senate.

Mr. TALIAFERRO. As announced, I have a pair with the Senator from West Virginia [Mr. SCOTT], who is absent. I transfer that pair to the Senator from Mississippi [Mr. McLAURIN] and will vote. I vote "nay."

Mr. CULLOM. I understand the Senator from Rhode Island [Mr. WETMORE] is absent and not paired. I will take the liberty of transferring my pair with the Senator from Virginia [Mr. MARTIN] to the Senator from Rhode Island and will vote. I vote "yea."

The result was announced—yeas 45, nays 24, as follows:

YEAS—45.

Aldrich	Dillingham	Kean	Piles
Allee	Dolliver	Kittredge	Platt
Beveridge	Flint	Knox	Proctor
Brandegee	Frye	Lodge	Smith
Bulkeley	Fulton	Long	Smoot
Burkett	Gallinger	McCumber	Spooner
Burnham	Gamble	McEnery	Sutherland
Crane	Hale	Millard	Warner
Cullom	Hansbrough	Mulkey	Warren
Curtis	Hemenway	Nelson	
Depew	Heyburn	Nixon	
Dick	Hopkins	Perkins	

NAYS—24.

Bacon	Culbertson	McCreary	Rayner
Berry	Daniel	Mallory	Simmons
Carmack	Dubois	Newlands	Stone
Clark, Mont.	Frazier	Overman	Taliaferro
Clarke, Ark.	La Follette	Patterson	Tillman
Clay	Latimer	Pettus	Whyte

NOT VOTING—21.

Allison	Clapp	Foster	Scott
Ankeny	Clark, Wyo.	McLaurin	Teller
Bailey	Dryden	Martin	Wetmore
Blackburn	Du Pont	Money	
Burrows	Elkins	Morgan	
Carter	Foraker	Penrose	

So the motion of Mr. LODGE to lay on the table the appeal of Mr. CARMACK from the decision of the Chair was agreed to.

Mr. CARMACK. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Tennessee rises to a parliamentary inquiry. He will state his inquiry.

Mr. CARMACK. I should like to inquire if that was a strict party vote? [Laughter.]

The VICE-PRESIDENT. The question is, Will the Senate agree to the conference report?

The report was agreed to.

Mr. HALE. I move that the Senate adjourn.

Mr. LODGE. I ask the Senator to withhold that motion for a moment.

Mr. HALE. Very well.

Mr. LODGE. I desire to make a request. I ask, Mr. President, that there may be ordered a reprint of Senate Document No. 318, containing the immigration bill. I trust it will be put in the document room as soon as possible, because the document is desired by the House immediately.

The VICE-PRESIDENT. Is there objection to the request?

Mr. KEAN. Is that the same print of the immigration bills that we have had?

Mr. LODGE. It is just the same as we have had.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. HALE. I withdraw my motion that the Senate adjourn, and move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, February 18, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 16, 1907.

SURVEYOR OF CUSTOMS.

Sydney O. Weeks, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York. (Reappointment.)

APPOINTMENT IN THE ARMY—INFANTRY ARM.

To be second lieutenant.

Frank Thorp, jr., of Maryland, with rank from February 13, 1907.

NOTE.—The person above named was nominated to the Senate February 13, 1907, under the name of Frank Thorpe, jr. This message is submitted for the purpose of correcting an error in the name of the nominee.

PROMOTIONS IN THE NAVY.

Asst. Surg. Harry Shaw to be a passed assistant surgeon in the Navy from the 28th day of October, 1906, upon the completion of three years' service.

Asst. Surg. Burt F. Jenness to be a passed assistant surgeon in the Navy from the 11th day of November, 1906, upon the completion of three years' service.

POSTMASTERS.

CALIFORNIA.

Charles H. Fernald to be postmaster at Santa Paula, in the county of Ventura and State of California, in place of Harry H. Youngken. Incumbent's commission expires March 2, 1907.

CONNECTICUT.

Charles H. Dimmick to be postmaster at Willimantic, in the county of Windham and State of Connecticut, in place of Charles H. Dimmick. Incumbent's commission expired February 13, 1907.

Nathaniel P. Noyes to be postmaster at Stonington, in the county of New London and State of Connecticut, in place of Nathaniel P. Noyes. Incumbent's commission expired February 13, 1907.

Courtland C. Potter to be postmaster at Mystic, in the county of New London and State of Connecticut, in place of Courtland C. Potter. Incumbent's commission expired February 13, 1907.

FLORIDA.

John C. Beekman to be postmaster at Tarpon Springs, in the county of Hillsboro and State of Florida, in place of George F. Fernald, resigned.

HAWAII.

Frank Crawford to be postmaster at Lihue, in the county of Kauai and Territory of Hawaii, in place of Frank Crawford. Incumbent's commission expires March 3, 1907.

IDAHO.

Arthur P. Hamley to be postmaster at Kendrick, in the county of Latah and State of Idaho, in place of Arthur P. Hamley. Incumbent's commission expires February 26, 1907.

Thalia L. Owen to be postmaster at Genesee, in the county of Latah and State of Idaho, in place of Thalia L. Owen. Incumbent's commission expires March 18, 1907.

ILLINOIS.

Edward S. Baker to be postmaster at Robinson, in the county of Crawford and State of Illinois, in place of Samuel T. Lindsay. Incumbent's commission expired January 9, 1906.

John T. Clyne to be postmaster at Joliet, in the county of Will and State of Illinois, in place of John T. Clyne. Incumbent's commission expires March 3, 1907.

Edward D. Cook to be postmaster at Piper City, in the county of Ford and State of Illinois, in place of Edward D. Cook. Incumbent's commission expired February 9, 1907.

Thomas G. Laws, to be postmaster at Coffeen, in the county of Montgomery and State of Illinois. Office became Presidential January 1, 1907.

James Porter to be postmaster at Martinsville, in the county of Clark and State of Illinois, in place of James Porter. Incumbent's commission expired February 9, 1907.

INDIANA.

David A. Shaw to be postmaster at Mishawaka, in the county of St. Joseph and State of Indiana, in place of David A. Shaw. Incumbent's commission expired February 9, 1907.

Clinton T. Sherwood to be postmaster at Linton, in the county of Greene and State of Indiana, in place of Oscar Fitzpatrick. Incumbent's commission expired February 4, 1907.

IOWA.

Earl M. Cass to be postmaster at Sumner, in the county of Bremer and State of Iowa, in place of Earl M. Cass. Incumbent's commission expires February 19, 1907.

George W. Cook to be postmaster at Guthrie Center, in the county of Guthrie and State of Iowa, in place of George W. Cook. Incumbent's commission expired February 11, 1907.

Ernest D. Powell to be postmaster at Exira, in the county of Audubon and State of Iowa, in place of Ernest D. Powell. Incumbent's commission expired February 9, 1907.

KANSAS.

George A. Benkelman to be postmaster at St. Francis, in the county of Cheyenne and State of Kansas. Office became Presidential January 1, 1907.

James M. Morgan to be postmaster at Osborne, in the county of Osborne and State of Kansas, in place of James M. Morgan. Incumbent's commission expired February 12, 1907.

Charles Smith to be postmaster at Washington, in the county of Washington and State of Kansas, in place of Charles Smith. Incumbent's commission expired February 12, 1907.

C. G. Webb to be postmaster at Stafford, in the county of Stafford and State of Kansas, in place of Asbury L. McMillan. Incumbent's commission expires February 28, 1907.

KENTUCKY.

Joseph Insko to be postmaster at Augusta, in the county of Bracken and State of Kentucky, in place of Benjamin F. Ginn. Incumbent's commission expired January 13, 1906.

MAINE.

Jarvis C. Billings to be postmaster at Bethel, in the county of Oxford and State of Maine, in place of Jarvis C. Billings. Incumbent's commission expired January 6, 1907.

Varney A. Putnam to be postmaster at Danforth, in the county of Washington and State of Maine. Office became Presidential January 1, 1907.

MASSACHUSETTS.

Frank E. Briggs to be postmaster at Turners Falls, in the county of Franklin and State of Massachusetts, in place of Frank E. Briggs. Incumbent's commission expired February 13, 1907.

Alexander Grant to be postmaster at Chicopee, in the county of Hampden and State of Massachusetts, in place of Alexander Grant. Incumbent's commission expired February 11, 1907.

James W. Hunt to be postmaster at Worcester, in the county of Worcester and State of Massachusetts, in place of James W. Hunt. Incumbent's commission expired December 8, 1906.

Adolphus R. Martin to be postmaster at Chicopee Falls, in the county of Hampden and State of Massachusetts, in place of Adolphus R. Martin. Incumbent's commission expired February 4, 1907.

James F. Shea to be postmaster at Indian Orchard, in the county of Hampden and State of Massachusetts, in place of James F. Shea. Incumbent's commission expired February 4, 1907.

MICHIGAN.

George Barie to be postmaster at Pinconning, in the county of Bay and State of Michigan, in place of George Barie. Incumbent's commission expires February 23, 1907.

Leonard W. Feighner to be postmaster at Nashville, in the county of Barry and State of Michigan, in place of Leonard W. Feighner. Incumbent's commission expired February 2, 1907.

Sidney E. Lawrence to be postmaster at Hudson, in the county of Lenawee and State of Michigan, in place of Sidney E. Lawrence. Incumbent's commission expires February 28, 1907.

MINNESOTA.

Samuel Aaberg to be postmaster at Harmony, in the county of Fillmore and State of Minnesota. Office became Presidential January 1, 1907.

Leonard W. Bills to be postmaster at Park Rapids, in the county of Hubbard and State of Minnesota, in place of Florance A. Vanderpoel. Incumbent's commission expired January 23, 1907.

Carl S. Eastwood to be postmaster at Heron Lake, in the county of Jackson and State of Minnesota, in place of Clark A. Wood. Incumbent's commission expired February 4, 1907.

Frank Hagberg to be postmaster at Winthrop, in the county of Sibley and State of Minnesota, in place of Frank Hagberg. Incumbent's commission expired February 9, 1907.

John F. Wrabek to be postmaster at New Prague, in the county of Le Sueur and State of Minnesota, in place of John F. Wrabek. Incumbent's commission expired February 9, 1907.

Edward Yannish to be postmaster at St. Paul, in the county of Ramsey and State of Minnesota, in place of Mark D. Flower, deceased.

MISSOURI.

William T. Elliott to be postmaster at Houston, in the county of Texas and State of Missouri, in place of William T. Elliott. Incumbent's commission expires February 28, 1907.

NEBRASKA.

Stephen E. Cobb to be postmaster at Emerson, in the county of Dixon and State of Nebraska, in place of Stephen E. Cobb. Incumbent's commission expired February 11, 1907.

Timothy C. Cronin to be postmaster at Spalding, in the county of Greeley and State of Nebraska. Office became Presidential January 1, 1907.

Joseph W. McClelland to be postmaster at Fullerton, in the county of Nance and State of Nebraska, in place of Loring W. Morgan. Incumbent's commission expired May 19, 1906.

Clarence E. Stine to be postmaster at Superior, in the county of Nuckolls and State of Nebraska, in place of Clarence E. Stine. Incumbent's commission expires March 11, 1907.

Wesley Tressler to be postmaster at Ogallala, in the county of Keith and State of Nebraska. Office became Presidential January 1, 1907.

Isaac S. Tyndale to be postmaster at Central City, in the county of Merrick and State of Nebraska, in place of Lucius G. Comstock. Incumbent's commission expired March 14, 1906.

NEW HAMPSHIRE.

Natt A. Cram to be postmaster at Pittsfield, in the county of Merrimack and State of New Hampshire, in place of Natt A. Cram. Incumbent's commission expires February 28, 1907.

NEW JERSEY.

William H. Mackay to be postmaster at Rutherford, in the county of Bergen and State of New Jersey, in place of Charles Burrows. Incumbent's commission expired February 7, 1906.

Truman T. Pierson to be postmaster at Metuchen, in the county of Middlesex and State of New Jersey, in place of Edward Burroughs, removed.

NEW YORK.

Horace L. Burrill to be postmaster at Weedsport, in the county of Cayuga and State of New York, in place of Horace L. Burrill. Incumbent's commission expires February 26, 1907.

John H. Eadie to be postmaster at New Brighton, in the county of Richmond and State of New York, in place of John H. Eadie. Incumbent's commission expired February 4, 1907.

Harrold R. Every to be postmaster at Athens, in the county of Greene and State of New York, in place of Harrold R. Every. Incumbent's commission expires March 2, 1907.

L. F. Goodnought to be postmaster at Cornwall-on-the-Hudson, in the county of Orange and State of New York, in place of John J. Taylor. Incumbent's commission expires February 19, 1907.

George P. Nickels to be postmaster at Rye, in the county of Westchester and State of New York, in place of Alexander M. Harriott, resigned.

NORTH CAROLINA.

Eugene Brownlee to be postmaster at Tryon, in the county of Polk and State of North Carolina. Office became Presidential January 1, 1907.

NORTH DAKOTA.

William J. Hoskins to be postmaster at Rolla, in the county of Rolette and State of North Dakota, in place of William J. Hoskins. Incumbent's commission expired January 29, 1907.

OHIO.

Elmer C. Jesse to be postmaster at Mineral City, in the county of Tuscarawas and State of Ohio, in place of Elmer C. Jesse. Incumbent's commission expires March 3, 1907.

William E. Moulton to be postmaster at Canal Fulton, in the county of Stark and State of Ohio, in place of William E. Moulton. Incumbent's commission expired February 2, 1907.

Clifford N. Quirk to be postmaster at Chardon, in the county of Geauga and State of Ohio, in place of Richard King. Incumbent's commission expired December 20, 1906.

OKLAHOMA.

C. C. Curtis to be postmaster at Cordell, in the county of Washita and Territory of Oklahoma, in place of James W. Utterback. Incumbent's commission expired June 10, 1906.

Perry C. Hughes to be postmaster at Busch, in the county of Roger Mills and Territory of Oklahoma, in place of Perry C. Hughes. Incumbent's commission expired February 3, 1907.

OREGON.

William B. Curtis to be postmaster at Marshfield, in the county of Coos and State of Oregon, in place of William B. Curtis. Incumbent's commission expires March 10, 1907.

Thomas P. Randall to be postmaster at Oregon City, in the county of Clackamas and State of Oregon, in place of Thomas P. Randall. Incumbent's commission expires March 18, 1907.

PENNSYLVANIA.

John F. Austin to be postmaster at Corry, in the county of Erie and State of Pennsylvania, in place of John F. Austin. Incumbent's commission expires February 19, 1907.

Anna B. Beatty to be postmaster at Cochran, in the county of Crawford and State of Pennsylvania, in place of Anna B. Beatty. Incumbent's commission expires March 2, 1907.

Charles Crouse to be postmaster at Wyoming, in the county of Luzerne and State of Pennsylvania, in place of Charles Crouse. Incumbent's commission expires February 23, 1907.

George W. Honsaker to be postmaster at Masontown, in the county of Fayette and State of Pennsylvania, in place of George W. Honsaker. Incumbent's commission expires March 2, 1907.

Warren B. Masters to be postmaster at Jersey Shore, in the county of Lycoming and State of Pennsylvania, in place of Warren B. Masters. Incumbent's commission expires February 26, 1907.

Allen C. W. Mathues to be postmaster at Media, in the county of Delaware and State of Pennsylvania, in place of Allen C. W. Mathues. Incumbent's commission expired January 26, 1907.

Nathaniel B. Miller to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania, in place of Nathaniel B. Miller. Incumbent's commission expired February 11, 1907.

William W. Reber to be postmaster at Lehigh, in the county of Carbon and State of Pennsylvania, in place of William W. Reber. Incumbent's commission expired February 11, 1907.

William E. Root to be postmaster at Cambridge Springs, in the county of Crawford and State of Pennsylvania, in place of William E. Root. Incumbent's commission expired January 26, 1907.

James H. Wells to be postmaster at Wilcox, in the county of Elk and State of Pennsylvania. Office became Presidential January 1, 1907.

TENNESSEE.

Leonidas T. Reagor to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee, in place of James H. Neil, jr. Incumbent's commission expired June 30, 1906.

Norvell L. Scobey to be postmaster at Newbern, in the county of Dyer and State of Tennessee, in place of Norvell L. Scobey. Incumbent's commission expired February 12, 1907.

TEXAS.

Edward Blanchard to be postmaster at San Angelo, in the county of Tom Green and State of Texas, in place of Edward Blanchard. Incumbent's commission expires February 19, 1907.

George W. Burkitt, jr., to be postmaster at Palestine, in the county of Anderson and State of Texas, in place of Thomas Hall. Incumbent's commission expires February 19, 1907.

J. J. Cypert to be postmaster at Hillsboro, in the county of Hill and State of Texas, in place of Harry Beck. Incumbent's commission expires February 27, 1907.

Harry Harris to be postmaster at Gatesville, in the county of Coryell and State of Texas, in place of Harry Harris. Incumbent's commission expires February 19, 1907.

W. H. Ingerton to be postmaster at Amarillo, in the county of Potter and State of Texas, in place of James M. Kindred. Incumbent's commission expired January 20, 1907.

Johnnie J. Kelly, to be postmaster at Eastland, in the county of Eastland and State of Texas. Office became Presidential January 1, 1907.

J. J. Smith to be postmaster at El Paso, in the county of El Paso and State of Texas, in place of Theodore B. Olshausen, resigned.

UTAH.

William W. Wilson to be postmaster at Sandy, in the county of Salt Lake and State of Utah. Office became Presidential January 1, 1907.

VIRGINIA.

John W. Davis to be postmaster at Rural Retreat, in the county of Wythe and State of Virginia. Office became Presidential October 1, 1906.

R. W. Garnett to be postmaster at Farmville, in the county of Prince Edward and State of Virginia, in place of Charles Bugg. Incumbent's commission expired January 29, 1907.

William H. Parker to be postmaster at Onancock, in the county of Accomac and State of Virginia, in place of William H. Parker. Incumbent's commission expires February 28, 1907.

Thomas H. Smith to be postmaster at Manchester, in the county of Chesterfield and State of Virginia, in place of Henry C. Beattie. Incumbent's commission expired December 20, 1906.

WEST VIRGINIA.

S. A. Posten to be postmaster at Morgantown, in the county of Monongalia and State of West Virginia, in place of James P. Fitch. Incumbent's commission expired June 2, 1906.

WISCONSIN.

William Campbell to be postmaster at Oconto Falls, in the county of Oconto and State of Wisconsin. Office became Presidential January 1, 1907.

Robert Downend to be postmaster at Osceola, in the county of Polk and State of Wisconsin, in place of Robert Downend. Incumbent's commission expired February 4, 1907.

Joseph W. Fritz to be postmaster at Ladysmith, in the county of Rusk and State of Wisconsin, in place of Joseph W. Fritz. Incumbent's commission expired January 23, 1907.

Cyrus C. Glass to be postmaster at River Falls, in the county of Pierce and State of Wisconsin, in place of Cyrus C. Glass. Incumbent's commission expires February 26, 1907.

Thomas Hughes to be postmaster at Beaver Dam, in the county of Dodge and State of Wisconsin, in place of Thomas Hughes. Incumbent's commission expires March 3, 1907.

Nicholas T. Martin to be postmaster at Mineral Point, in the county of Iowa and State of Wisconsin, in place of Nicholas T. Martin. Incumbent's commission expired February 4, 1907.

Andrew Moberg to be postmaster at Amherst, in the county of Portage and State of Wisconsin. Office became Presidential January 1, 1907.

Eldon D. Woodworth to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin, in place of Eldon D. Woodworth. Incumbent's commission expires February 26, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1907.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

To be second lieutenants with rank from February 11, 1907.

Sergt. Bruce LaMar Burch, Troop E, Fifteenth Cavalry.
Sergt. Edgar Mason Whiting, Troop H, Fifteenth Cavalry.
First Sergt. Edward Goff Elliott, Troop M, Sixth Cavalry.
Q. M. Sergt. Guy Herbert Wyman, Troop K, Eleventh Cavalry.

Sergt. Verne Raymond Bell, Troop G, Fifteenth Cavalry.
Squadron Sergt. Maj. Henry Welles Baird, Fifteenth Cavalry.
Sergt. Alexander Hamilton Jones, Troop H, Thirteenth Cavalry.

Sergt. Charles Louis Stevenson, Troop A, First Cavalry.

INFANTRY ARM.

To be second lieutenants with rank from February 11, 1907.

First Sergt. Jacob Earl Fickel, Company K, Twenty-seventh Infantry.

Private Jesse Wright Boyd, infantry, unassigned.
Sergt. Ebenezer George Beuret, Company A, Third Infantry.
Corpl. Rush Blodget Lincoln, Company G, Eighteenth Infantry.

Corpl. William Fletcher Sharp, Company G, Second Battalion, Corps of Engineers.

Sergt. Walter Francis Llewellyn Hartigan, Forty-sixth Company, Coast Artillery.

Sergt. Bruce Magruder, Eighty-seventh Company, Coast Artillery.

Sergt. George Herman Huddleson, Company H, Twenty-ninth Infantry.

Corpl. Hampton M. Roach, jr., Company L, Third Infantry.
Sergt. George Edward Maurice Kelly, Eighty-fourth Company, Coast Artillery.

Corpl. George Cassidy Keleher, Company K, Fifth Infantry.
Battalion Sergt. Maj. Clarence McPherson Janney, Sixteenth Infantry.

Sergt. Harry Hall Pritchett, Company A, Twenty-seventh Infantry.

Sergt. Edgar Lee Field, Troop E, Fifteenth Cavalry.
Sergt. Earl Carlton Buck, Company F, Sixteenth Infantry.
Corpl. Jere Baxter, Ninety-eighth Company, Coast Artillery.

CAVALRY ARM.

To be second lieutenant.

Frank Kirby Chapin, of New York, with rank from February 12, 1907.

INFANTRY ARM.

To be second lieutenants.

Russell James, of Virginia, with rank from February 12, 1907.

Lloyd Ralston Fredendall, of Massachusetts, with rank from February 13, 1907.

Rowan Palmer Lemly, of the District of Columbia, with rank from February 13, 1907.

Frank Thorpe, jr., of Maryland, with rank from February 13, 1907.

Albert Ellicott Brown, of New Jersey, with rank from February 13, 1907.

James MacDonald Lockett, at large, with rank from February 13, 1907.

Eugene Robinson, of Michigan, with rank from February 13, 1907.

Chester Hood Loucheim, of New York, with rank from February 13, 1907.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be captains.

First Lieut. John McClintock, Ninth Cavalry, from October 22, 1906.

First Lieut. Paul T. Hayne, jr., Fourteenth Cavalry, from October 28, 1906.

First Lieut. Fred E. Buchan, Third Cavalry, from January 19, 1907.

First Lieut. Edward A. Sturges, Fifth Cavalry, from January 21, 1907.

To be first lieutenants.

Second Lieut. Irvin L. Hunsaker, Third Cavalry, from October 22, 1906.

Second Lieut. Clifton R. Norton, Fifteenth Cavalry, from October 28, 1906.

Second Lieut. Eugene J. Ely, Fifteenth Cavalry, from January 21, 1907.

To be brigadier-general on the retired list.

Col. George E. Pond, assistant quartermaster-general, to be placed on the retired list of the Army, with the rank of brigadier-general from the date on which he shall be retired from active service.

POSTMASTERS.

ALABAMA.

Mary M. Force to be postmaster at Selma, in the county of Dallas and State of Alabama.

KANSAS.

Edwards J. Byerts to be postmaster at Hill City, in the county of Graham and State of Kansas.

Irving Hill to be postmaster at Lawrence, in the county of Douglas and State of Kansas.

MINNESOTA.

Edward Yannish to be postmaster at St. Paul, in the State of Minnesota.

MISSOURI.

Harry O. Halterman to be postmaster at Mount Vernon, in the county of Lawrence and State of Missouri.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 16, 1907.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

Mr. UNDERWOOD. Mr. Speaker, on yesterday evening, just as the House was about to adjourn, I made a point of order against the bill (S. 8283) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes. Since investigating the question I still think it is subject to the point of order, but I see no objection to the bill itself and therefore withdraw the point of order.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. BRICK, a motion to reconsider the last vote was laid on the table.

HERMAN GAUSS AND L. SEWARD TERRY.

Mr. CASSEL. Mr. Speaker, in lieu of House resolutions 793, 794, and 819 I am directed by the Committee on Accounts to report the following:

The resolution was read, as follows:

In lieu of House resolutions 793, 794, and 819.

Resolved, That there shall be paid out of the contingent fund of the House to Herman Gauss \$750, and to L. Seward Terry \$500, for extra and expert services to the Committees on Invalid Pensions and Pensions, respectively, as assistant clerks to said committees by detail.